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NOTES OF THE WEEK

False Pretences and Promises

"Where a court of summary jurisdiction proposes to deal summarily in pursuance of this Act with a charge of obtaining by false pretences from any person any chattel, money, or valuable security with intent to defraud, the court shall, state in effect that a false pretence means a false representation by words, writing, or conduct that some fact exists or existed, and that a promise as to future conduct not intended to be kept is not by itself a false pretence, and may add any such explanation as the court may deem suitable to the circumstances." So ran s. 3 of the Summary Jurisdiction Act, 1899, now repealed. In so far as it defined the expression "false pretence" it was declaratory of the common law, as the Lord Chief Justice observed in *R.* v. *Dent* (*The Times*, July 5).

In that case, the appellant had been convicted at quarter sessions of obtaining cheques by false pretences, and the convictions were quashed by the Court of Criminal Appeal. The false pretence alleged in each count was that the appellant, on behalf of a company, was *bona fide* entering into a contract to rid certain land of moles for a period of 12 months and that he and the company believed they were and would be able and willing to carry out their obligations. They asked for and obtained half the payment in advance. In many cases, including some not in the indictment, they had done no work at all, and, said the Lord Chief Justice, the jury as shown by its verdict was satisfied that in those cases they never had any intention of doing the work for which they took payment and had not contracted in good faith and were doing business dishonestly. Dishonesty was not of itself a criminal offence, and the point was whether a statement of intention, express or implied, could amount to a false pretence for the purpose of the criminal law.

Promise and Intention

It had been argued that a statement of present intention, though it related to the future, was a statement of existing fact. Whatever might be the position in civil cases, said the Lord Chief Justice, a long course of decisions had laid it down that a statement of intention about future conduct was not, whether or not it was a statement of existing fact, such a statement as would amount to a false pretence in criminal law. For this purpose, the court drew no distinction between a promise and a statement of intention. Lord Goddard pointed out that in many cases a promise as to future conduct was coupled with a statement as to existing fact, and he drew attention to the words "by itself" in s. 3 of the Summary Jurisdiction Act, 1899. In the present type of case it was often possible to prove that the accused either expressly or by implication falsely pretended that he was carrying on a *bona fide* business. If that could be proved in addition to the false promise the conviction could be sustained. Having reviewed the authorities, Lord Goddard said that the present case was a simple one of a promise as to future conduct implied from the entry into a contract, and it was not suggested that there was not in fact a genuine pest-destruction business. It was not suggested that the appellant had not the means to do the work if he wanted to. There was no difficulty about drawing the line between the present and the future.

Empty Remand Homes

When there is a period of comparatively little juvenile delinquency in an area, or when the courts adopt measures that do not involve much use of the remand home, there is a natural concern among those responsible for the maintenance of the home about the considerable expense on a very few children. One solution may be to close a remand home, under an arrangement for the use of another jointly with other authorities. This may involve conveyance of a certain number of juveniles over a long distance with its attendant disadvantages, though it matters less today than in the days when means of transport were fewer and slower.

However, the question may be looked at from another angle. A Home Office official, addressing a meeting in the north of England, is reported as suggesting that those responsible for remand

homes should not be misled by averages, but might well regard the use of remand homes as akin to that of fire stations and infectious diseases hospitals. By that we take him to mean that they should be kept ready for possible contingencies and should not be regarded as useless or too expensive when there is a slack time. That is a reasonable point of view, but we fancy that it may be difficult to retain efficient, keen staff, if for lengthy periods they feel they are only half employed. It has been known for staff to outnumber juvenile inmates for a time, and this must be discouraging to those who want to be working to some purpose.

The problem is not easily solved, but one thing is clear. A good remand home, with a trained and competent staff, can be of great service to the courts, partly by its influence on those who are sent there, even for a short stay, and perhaps even more by the illuminating reports that are sent to the courts.

No Case to Answer

Evidence of telephone conversations is constantly admitted when the witness is able to say that he knows the defendant's voice and can testify that it was he who was talking. If the voice cannot be identified, then obviously the evidence cannot be accepted unless there is some other proof of it. In *R.* v. *Abbott* (*The Times*, July 13), the case against the appellant to the Court of Criminal Appeal rested on a telephone conversation, supposed to be, but not proved to be, with the appellant. He had been convicted of forgery and the conviction was quashed. At his trial, counsel had submitted that there was no case, but the Judge allowed the trial to proceed and the appellant gave evidence, and so did his co-defendant, who put the blame on him. Of course he need not have given evidence, but doubtless felt that he might be wise to do so instead of remaining silent.

The Lord Chief Justice said the appellant did not in fact supply any further evidence against himself. The evidence about the telephone conversation would have been important if it had been brought home to the defendant, but it was not, and the case for the prosecution completely broke down. The Lord Chief Justice said that if the prosecution failed to prove its case the defendant was entitled to be acquitted; there was no case to go to the jury.

The same principle applies in proceedings before magistrates. If they are acting as examining justices, the defendant should be discharged if the prosecution fails to make out a sufficient case to justify committal for trial. If it is a summary trial, the defendant should be found not guilty if no *prima facie* case is made out. In neither case should the justices continue the hearing in order to see if the defendant or his witnesses help to supply the evidence necessary to support a conviction. If a submission of no case to answer in a criminal proceeding is well-founded that should be the end of the matter.

Administrative Justice

The Government stand committed to improve the machinery of tribunals, of public inquiries and of departmental decisions affecting individual rights and property. A strong committee is to consider those matters of administrative law along with the present practice and procedure of compulsory acquisition. We have frequently commented in these columns on the high desirability of the requirements of natural justice being scrupulously followed in these directions.

The Crichel Down episode threw into sharp relief the dimensions of those problems. Of course, it is not the only case where administrative justice has incurred sharp criticism. We remember the case of *R.* v. *Metropolitan Police Commissioner, ex parte Parker* (1953) 1 W.L.R. 1150, where Mr. Parker lost his livelihood as a cab-driver. The Commissioner of Police is entitled to revoke a cab-driver's licence if he is *satisfied* that the licensee is not a fit person to hold such a licence and in this case the Commissioner revoked Mr. Parker's licence without giving him any opportunity of calling evidence to rebut this belief on the part of the police. He could obtain no redress although there had been a denial of natural justice.

Another case where the law and procedure was unsatisfactory was *Woollett* v. *Ministry of Agriculture and Fisheries* [1954] 3 All E.R. 529. Here the Minister of Agriculture changed his mind and decided not to release to its owner, Mr. Woollett, a small-holding held by his department upon requisition. A subsequent appeal to the Agricultural Land Tribunal against this decision was dismissed. Twenty-four such appeals were heard in one day by the same tribunal and all except six were dismissed, including Mr. Woollett's. *The tribunal gave no reasons for their decisions.*

Some of the defects liable to occur in the proceedings of this administrative or departmental type are serious.

There is often a cloak of secrecy about them and the public's suspicions are deepened by a "judgment" which sets out no reasons. In addition, administrative tribunals often fail through inexperience to get at all the important facts and to see that the issues they have to decide are sufficiently defined to enable a party to know beforehand the case he has to meet. Frequently, too, the regulations governing the operation of the tribunal prevent parties being legally represented. Not everyone is very good at making the best of their case and they may be severely handicapped as a result.

Perhaps what causes the greatest criticism of all is the fact that the members of the tribunal concerned may be appointed by the Minister whose department is principally interested. Likewise, the public view with suspicion a ministerial decision which may be based upon reports or representations which are not disclosed to them and feel that they should be put in possession of information which may have been decisive to their cases.

We think that these criticisms constitute a formidable challenge to any government concerned to see that justice is done to the individual and await the conclusions and actions of the Government with keen interest.

Trial of Absent Defendants

The report of the departmental committee on the trial of minor offences will be widely welcomed among magistrates, clerks and practitioners because of its practical recommendations for saving time of the magistrates' courts. It will also, we have no doubt, meet with the approval of police as a contribution to the solution of the problem of conserving manpower, since its recommendations, if adopted, will reduce the time spent by officers in attendance at courts.

The acceptance of a plea of guilty by letter would get rid of the necessity for hearing witnesses, and as the system is said to have worked well in Scotland there is no reason to doubt that it could do so here. The committee has realized the need for safeguards, and has provided them. To give an example: the defendant is summoned for obstruction, and is prepared to plead guilty to an obstruction lasting 20 minutes, but the police say it was for two hours. If the defendant does not know what the allegation is he ought to hesitate about a plea, lest the case made out in his absence should be worse than he admits, and the penalty severer than he thinks warranted. The simple precaution is to tell the defendant in the particulars of the offence, exactly what the evidence would be, so that he can

dispute it instead of pleading guilty by letter if his plea would be to something less than is alleged.

Another important point dealt with is that of proving previous convictions against a defendant who, as he is not present, cannot be identified. Many a defendant with a record of motoring offences is, under present conditions, dealt with as having no convictions, because the court insists on strict proof if convictions are to be regarded. That is most unsatisfactory. The report suggests a way of dealing with the matter which will in no wise prejudice the defendant, and will at the same time insure that the absent defendant with a list of previous convictions will not fare better than the defendant who appears in answer to the summons.

The Volume of Litigation

The Civil Judicial Statistics for 1954 recently published by the County Courts Branch of the Lord Chancellor's Department throw some fascinating light upon the litigious proclivities of the English people. Contrasted with the position three years ago, broadly speaking, over larger issues and amounts there is less litigation but where smaller matters are at stake there is more. Before the war, for instance (1938), the total number of proceedings in the Queen's Bench Division was 83,351. By the end of the war that figure was down to 23,252 (1944), but by 1949 it had climbed again to 97,573 reaching a peak figure of 124,574 in 1952. It is sometimes said that hard financial times preclude litigation but the published figures do not appear to bear this out. From 1945 to 1952 the figures of litigation in the Queen's Bench Division mounted steadily (and notwithstanding frequently recurring balance of payments difficulties and the devaluation crisis of 1949). In fact the peak year, 1952, was the one in which our national financial fortunes reached their lowest ebb. Contrariwise the highest figure of 1952 has continuously shrunk since, and for 1954 stood at 115,564 only. This trend is all the more surprising when one recollects that it took place between 1952 and 1954, during which period it is generally conceded that world conditions and our national finances were steadily improving!

County courts, on the other hand, were a much more popular forum before the war (the number of proceedings in 1938 was 1,292,774). By 1944 this figure was down to 240,256. Ever since then, however, it has been steadily rising and now stands at 687,043. Nevertheless, even this substantially increased figure is small when contrasted with the pre-war total.

When the Legal Aid and Advice Act, 1949, is implemented in relation to the county courts then we may expect the graph of litigation in this forum to rise still more steeply until the 1938 figure is reached and surpassed. This will mean that the trends of the day are inclining to the " little man's " litigation or that the " bread and butter " issues of the poor man are being tried increasingly.

Socrates in Surrey

One June day a letter warned the conservators of Mitcham Common that hemlock grew upon the common, which in the opinion of the writer was a public danger, especially to children. The conservators already knew of this fairly common plant, which had not so far been recorded as having injured anyone at Mitcham. The discussion at their meeting was not however fruitless, for it supplied the foundation on which a journalist managed to put together a few inches about hemlock, which were published by *The Times* on June 28. He set out the different species, and referred to the fact that, unlike nightshade, hemlock has not been labelled " deadly " in common English speech. He concluded that the danger to children was possibly less than to adults, because the story of Socrates would be fresher in their minds. This must be in the running for any prize offered for the silliest paragraph published in 1955. First, adults do not put miscellaneous wild plants into their mouths, as young children may do; secondly, a child young enough to swallow things like nightshade and hemlock would (even if it sprang from an educated family) be more nearly at the stage of Snow White than of Phaedo; thirdly, once a child had heard the story, would he ever reach an age at which hemlock, in the field or in the printed page, failed to bring it back to him? Above all, what proportion of the younger folk walking upon a Surrey common have (anyhow) heard of Socrates or Plato or even (it may be) of Athens? Few, indeed, we fear. The paragraph was followed by a letter in *The Times* a few days later, recording how its writer had asked seven youths in a London office, between the ages of 15 and 17, whether they knew what hemlock was. Two had a sort of glimmering. One of these said " a drink," but thought it was a pleasant drink; the other that it had " something to do with olden times." One said " Don't know "; another " Never heard of it," and the other three guessed wildly wrong. Not one of the seven knew the name of Socrates. Lamentable? Yes, but not surprising. The nation pours out its wealth to keep boys and girls at school, where they are by statute subjected to compulsory religious exercises which the authors of the Education Act, 1944, naively believed would benefit their characters, and learn, otherwise, whatever the combined wisdom of politicians and the councils of counties and county boroughs thinks appropriate. Government departments, local authorities, and many firms make a " general certificate " (obtainable in penny numbers) an essential of employment, on the convenient assumption that it indicates a modicum of general knowledge. The taxpayer and ratepayer are busy opening ever wider the path to the universities for all who can benefit and, according to the universities themselves, for many who can not. Quite a lot of boys can take a television set to pieces, and quite a lot of girls can enumerate Miss Hayworth's husbands and Mr. Gable's wives. In course of years, those who find favour in the sight of teachers and directors of education may even hear about the differential calculus, and the properties of neutrons. The late Sir Henry Hadow used to tell of a visit to universities in the United States, where he was shown an undergraduate, building with bricks and mortar a thesis for a degree in the faculty of arts. As we have said in other contexts, we make no claim to be educational experts. We merely wonder whether, for all the vast outpouring of money upon schools and colleges, upon salaries and buildings, the preceptors of today have found a better path than did the group of friends who " went down to Piraeus yesterday," and made a night of it with Glaucon at the house of Cephalus.

Litter

At a meeting of the National Association of Women's Clubs, support was expressed for anti-litter campaigns and for making realized the danger of leaving broken milk-bottles lying about.

We heartily agree and we hope local authorities and other bodies will do everything in their power to reduce this evil of our time. We are not going over what we have said before, but we want to add another point. It is not much use providing litter baskets or bins unless they are big enough to take as much litter as may reasonably be expected, or if they are not emptied often enough. Recently we saw at a favourite place for picnic and camping parties a litter basket crammed to the top, and round it a considerable amount of litter which

people had evidently found it would not take. The result was an untidy mess in a very pleasant spot. This was in the middle of the week, so it could not be said that there had not been time to clear up after a busy week-end. The place is fairly quiet during the rest of the week, and our guess is that nobody had been there to empty litter receptacles since the previous week-end. If people are to be urged to use receptacles it must be made possible for them to do so.

JUS CUIQUE TRIBUENS

The statements in the newspapers and elsewhere in advance of the election, by each of the main parties, have helped to clear a little of the mist attendant on argument about ministerial jurisdiction and ministerial tribunals. It does not much matter to the public, or to those directly affected, which of the parties has the blacker record in the past, if black be the appropriate adjective to use. What is important is to devise (if possible) some machinery which will avoid public dissatisfaction in the future, without sacrificing the undoubted advantages which have flowed, not least to private individuals affected, from the establishment first of ministerial jurisdiction and then of independent tribunals in the past few years. We spoke at p. 70, *ante*, of a superannuation case, where a claimant to a pension was said by some speakers to have been badly used, because the Court of Appeal held that it could not interfere with the decision of the Minister. We pointed out that it would be very much to the disadvantage of claimants in these cases, who invariably have smaller funds to spend on litigation than are at the disposal of the pension paying body, if it were open to the latter to take each case to the High Court. In recent years, however, the tendency has been to take jurisdiction of this sort out of the hands of a Minister and entrust it to an independent tribunal, and it is largely grievances (and supposed grievances) about the procedure and behaviour of these tribunals which have been the core of agitation in the last few years. It is, we think, essential in any discussion of this matter to bear in mind that, normally, the ministerial tribunal is not created in the first place in substitution for the courts—it has not, that is to say, been designed in an attempt to oust the courts. It is designed to relieve the Minister, and give the private person a body to which he can appeal with greater confidence, perhaps, than to a Minister or to officials, but is created (typically) at a later stage than that at which Parliament has determined that the topic in question had better not be left in the hands of the ordinary court. Having said so much, we do not wish it to be thought that we are wedded to the form and methods of tribunals as they exist today. They are plainly in a stage of transition, between the availability of ordinary courts and some better system, which we do not despair from seeing worked out, even though the contributions of newspapers and the legal profession to that working out have (in the main) been unhelpful so far—at least until the appearance of an admittedly "party" pamphlet on April 1, 1955, of which we shall have much to say below. We therefore welcome the Chancellor of the Exchequer's statement (*Hansard*, July 19, col. 206, made while this article was being read in proof) that the Government will set up a committee to examine the practice and procedure of tribunals.

A useful ray of light was also thrown into the mist by Mr. R. M. Jackson, Reader in Public Law and Administration in the University of Cambridge, in a short article contributed to the *Manchester Guardian* on April 22. This indicates a fallacy underlying much of the common argument, namely that of treating an issue between a public authority and private person as if it were normally (or even always) of the same nature as the issue in a prosecution or a civil action. Suppose the urban district council of Hogsnorton to prosecute John Doe for doing wilful damage in the public park; to sue Richard Roe for negligently driving his lorry into the district council's dustcart, or to move through the Attorney-General for an injunction to restrain John Styles from continuing a building which is alleged to cut off light from the windows of the council's office. Nobody supposes, in this country, that in the magistrates' court, the Queen's Bench Division, and the Chancery Division, respectively, the council will stand in a better position than (or a position different from that of) a private prosecutor or a private litigant, who had as much money available to spend on litigation as the council can afford to spend. Take the case, however, where the council are seeking a compulsory purchase order, to take Doe's land away from him for the purpose of a housing scheme. Again the issue is between them and a private person; Doe may have great merit on his side—losing his land may, that is to say, involve grave loss to him for which a money payment on the scale laid down by Parliament will not console him. Personally or by counsel, he makes out a case which convinces every fair-minded person attending the inquiry, and may even convince the Minister, that Doe's land ought not to be taken from him—if the issue lay between him and the acquiring council.

And yet the Minister may feel obliged to decide against him, because the issue is not a *lis inter partes*, as the legal profession tends to represent it as being. Houses must be built in or near Hogsnorton in order that slums may be cleared and provision made for the natural increase of the population; Roe's land, perhaps, could be acquired instead of Doe's without resorting to compulsion, but is unfit for housing development because of being waterlogged. No other land is suitably situated except that of Styles, and it can be shown that a compulsory purchase order directed against Styles would be just as hard on him as one directed against Doe. If each alternative were taken on its separate merits, there would be no land acquired at all. In other words, there is in such cases a third "party," to wit, the general public interest, and the decision cannot be reached by treating the council and the landowner as ordinary litigants.

So far, we have been using an illustration used by Mr. Jackson, but it is fair to point out that the acquisition of land for housing, apt though the illustration is, is a newcomer in this type of case, and does not even among newcomers stand alone—there is the obvious instance of a council school. Moreover it is already 110 years since the law of compulsory acquisition was regularized by the Lands Clauses Consolidation Act, 1845: as the name of the Act implies, the process of compulsory acquisition was then already well established. The early cases were (typically) the taking of land for canals and then for railways; they began with special Acts of Parliament. Parliament did not condemn the country to do without a canal between Much Binding and Barchester, once convinced that this was needed, because the making of it would destroy a private property. The modernizing of the process first by provisional orders and afterwards by unconfirmed ministerial orders, notably in the Housing Acts, is no more than a development—incidentally, a development which has been of much greater benefit to the person whose land is proposed to be taken than it has been to public authorities. Under a system of ministerial orders for this purpose, the hearing of objections can take place at no cost or relatively negligible cost; the older

method of a private Bill, and even the method of a provisional order, meant that the private person who resisted the taking of his land was involved in a struggle before a parliamentary committee, against a promoting body or authority armed with comparatively unlimited funds. This point, that the modern method is actually more advantageous to the person affected than any alternative previously demonstrated, is a point that needs making, and a point (at the same time) hardly ever made in arguments upon this topic. So far, we have been speaking of a type of proceeding which looks like a *lis*, because there are two parties and a judge: it is not technically a *lis* because the person looking like a judge is a Minister instead, or a tribunal substituted for a Minister. There are, however, other types, in which it looks as if a Minister was a judge in his own cause, and it is, perhaps, these types which give rise to the most ill-feeling.

We say " types " because there is a good deal of variety—and some modern legislation has increased the appearance of a Minister's being judge in his own cause, by imposing on him a duty to act in matters which, in the nineteenth century, would have been regarded as apt for giving him no more than supervisory duties, and not always those. Take, for instance, town and country planning, not in its big aspects but in its relation to an ordinary landowner who wants to erect a building, or (say) to begin using an existing building for some commercial purpose. As things began in 1909, he was at liberty to do so, subject only to the risk that when a town planning scheme came into operation his building might be pulled down, or its use be stopped without compensation to him, if it was found to contravene the scheme, unless the local authority had given him " permission " to erect or use it. He was under no obligation to obtain this " permission "; absence of permission did not render a building, or the use of a building, illegal—nor, incidentally, did the grant of " permission " legalize any breach of the positive requirements imposed by or under other statutes. As the law then worked, absence of permission was not a serious interference with the selling value of property on which something had been done, except in an area where, exceptionally, a town planning scheme was imminent. After 1919, town planning was to be accelerated, and the risk of developing land (in the wide sense this verb has come to bear in planning law) was felt to have increased—even though the obtaining of " permission " was still not legally necessary, and was enforceable by no sanction except the risk of pulling down at some future, and usually indeterminable, date. In this situation, Parliament enacted s. 10 of the Town and Country Planning Act, 1932, under which a person who had applied for and been refused permission for purposes of planning law, or had had permission granted to him subject to conditions, could appeal to the Minister of Health. It was still, be it noted, unnecessary to obtain " permission " for development (and it so continued until the revolutionary enactment of 1943), but the Minister's permission could be sought where that of the local authority had been refused, with the object of preserving the private person's right to compensation if his building was pulled down as contravening a planning scheme hereafter to be made. (We are dealing here with interim development, not with development in contravention of an operative scheme.)

We have explained the inception of these interim development appeals at some length, because the Act of 1932 was passed more than 20 years ago, and not all of our readers will have had personal experience of its working, and still more because planning appeals, which from this point of view are much the same under the latest Acts as they were under that of 1932, afford so excellent an example of the type of jurisdiction which looks from one side like *lis inter partes*, and yet cannot be exercised without regard to a *tertium quid* which is not before the court in person or by its representative, but is the Minister's special charge, so that he looks like a party as well as a judge. Every planning advance since 1932 has been marked by requiring the Minister to interest himself—he may act in default of a local authority in the big things, and may even call up particular cases for decision by himself in an original jurisdiction—as well as handling them upon appeals, where appeal lies from a local authority's decision. How, it may be asked, can the small developer appeal with confidence to a Minister who is not merely required *audire alteram partem* (the inescapable duty of every person exercising any form of jurisdiction) but also to have special regard to amenity, or the best use of land, or whatever other name be given to the *tertium quid*? Is not this (the private person may ask plausibly) just a new name for the reasons of State rejected by the courts in the case of *Entick* v. *Carrington* (1765) 19 State Trials 1029, or even for the " act of State " which the older law books used to tell the student could only be validly committed against foreigners?

We pass on to consider a couple of instances where a Minister is actually judge in his own cause, by the express authority of a modern statute. One is in the New Towns Act, 1946, and the jurisdiction we discussed in our articles or notes at 111 J.P.N. 141, 185, and 510.

This may perhaps be classed among the big issues of which we spoke above in the " planning " context—issues, that is, not primarily touching private persons. A second illustration of the same sort of jurisdiction comes more nearly home to private pockets, namely that under the Trunk Roads Act, 1936, as amended by the Trunk Roads Act, 1946. Here the Minister of Transport has become the highway authority for certain lengths of road, a function anomalous in modern England, however consonant with ancient ideas of the importance of the highways and with present practice in some other countries. As highway authority he has the same powers of acquiring land, by agreement or compulsion, as a local authority has in regard to other roads, and, by specific provision in the Act of 1946, a duty to keep trunk roads under review, with a power to realign them when satisfied that this is needed. This obviously affects private persons, primarily those whose land will be taken for the new stretch of road, and also those more numerous persons who do not suffer loss of land, but will be adversely affected in some other way. In such a case, the Minister directs a public local inquiry, usually (though not, we believe, necessarily) by an independent person. At such an inquiry he is, by the nature of the case, himself a party—the promoter of the very project which has to be examined. The position would surely strike a French observer as incredible: an independent person listening to the local public, especially to those objecting to a project, and reporting to the promoter of that project, with whom it rests whether to take any notice of what has been said at the inquiry. Yet this Gilbertian position is also very English—first, because (like most of our constitutional practices) it has grown up step by step, and secondly because (again like so many of our apparently illogical arrangements) it does work in practice. The method of dealing with these issues was before the courts not merely in the cases cited in what we said about " new towns," *supra*, but, years earlier, in *Re London Portsmouth Trunk Road* [1939] 2 All E.R. 464, and was endorsed. It has become normal in regard to trunk roads.

The Minister is, frankly, judge in his own cause here, because our English system provides no other judge capable of determining the cause—and also because, short of a complete recasting of the constitution, he must in the last resort take the decision upon a matter in regard to which Parliament has imposed upon him executive duties. By way of example, the

procedure in an inquiry under the Trunk Roads Acts, 1936 and 1946, is instructive. Being empowered by statute to make an order having binding force on individuals (say, for the construction of a stretch of road across their land) the Minister publishes it first in draft. On receipt of objections, he directs a public local inquiry, not by one of his own staff, nor indeed by any person in government employment. Usually, we understand, this inquiry is held by a member of the bar. At the inquiry the case for the proposals published by the Minister is explained, for the benefit of the public, by one of his staff, but this person is neither advocate nor witness: this comes out very plainly in the decided cases. He is there simply to give information; if any elucidation is required, this is given by way of answer to questions put by the presiding officer, not by way of cross-examination. Objectors have a right to be heard, in person or by counsel, and can call evidence, but they and their witnesses are not subject to cross-examination on the Minister's behalf—though the Minister's representative can suggest to the presiding officer that points made against the proposal need elucidation. In the end, the purport of what has been said is reported to the Minister, who decides whether to proceed with or to abandon the proposal into which the inquiry has been held. One could hardly find a more perfect example—on the face of it—of failure to do this in ordinary legal style, and yet we know of no substantial hostility aroused by this procedure. So long as everybody has a chance of being heard, we doubt whether there is any reason for objecting to it—on the assumption, which is obvious, that the final decision will be given upon merits, and not upon a ministerial or official desire to uphold an *ipse dixit*, such as was alleged unsuccessfully in *Franklin* v. *Minister of Town and Country Planning* [1947] 2 All E.R. 289; 111 J.P. 497.

As in our reference to the Town and Country Planning Acts, we have gone into some detail, in hope of making clearer the essential feature of so many of these cases—that a Minister comes into them, quite openly and under powers created by deliberate action of the legislature, in two capacities, that of executant as well as that of judge.

In our article already mentioned, at p. 71, *ante*, we spoke of two newly created jurisdictions amongst others, about which no complaint seems ever to be made. One was the jurisdiction of the tribunals of first instance and of the Commissioner under the National Insurance Act, 1948, and the National Insurance (Industrial Injuries) Act, 1948, where they have taken the place filled by a county court Judge under the Workmen's Compensation Acts. These *ad hoc* bodies of part-time members, with a tribunal of review composed of a single whole-time lawyer, have been deliberately substituted for the county court—an exception from the norm which we described above, where at the first stage a Minister takes the place of a court, and then by later legislation a semi-judicial tribunal takes work over from the Minister. It is not of this that we desire to say more, but of the other newly created jurisdiction mentioned at p. 71 (the epithet is relative in this case), namely the appellate jurisdiction of the Minister of Transport and Civil Aviation, in regard to the licensing of public service vehicles. This is worth examining again for several reasons. First, it has an interesting pedigree, although in its present shape it only dates from the Road Traffic Act, 1930. Omnibuses (in daily speech still so called, or buses, in preference to their new-fangled statutory names) came under a general system of licensing by the Town Police Clauses Act, 1889, the licensing authorities being the councils of boroughs and urban districts. Next year, by s. 7 of the Public Health Acts Amendment Act, 1890, a right of appeal to quarter sessions was given, against the refusal of a licence.

By the Ministry of Transport Act, 1919, and the Roads Act, 1920, the Minister of Transport was substituted as the appellate authority, the licensing authority being still the town or urban district council. (This, by the way, remains the position in regard to omnibuses not mechanically propelled.) By the Road Traffic Act, 1930, a new licensing authority for mechanically propelled public service vehicles was established, appellate jurisdiction continuing with the Minister. Pausing there, one sees primary jurisdiction passing from an elected council to a non-elected body (in form, a typical example of the much-decried " tribunal "), with appellate jurisdiction passing from the ordinary courts into the hands of a Minister, and staying there, despite the tendency to transfer such jurisdiction to some ministerial tribunal. (For an example of two-tiered " tribunal " jurisdiction, compare the adjudicating bodies under the National Insurance (Industrial Injuries) Act, 1948, *supra*.) This illustration from the Road Traffic Act, 1930, is the more worthy of attention because it is one of the few examples to have been discussed specifically by a non-partisan body set up for the purpose: this was the Committee on the Licensing of Road Passenger Services, appointed in 1952 by the then Minister of Transport and Civil Aviation, with Mr. Gerald Thesiger, Q.C., as chairman, which reported in November, 1953.

In chapter IX of that report the Thesiger Committee summarize representations made to them in evidence, for and against transferring the appellate jurisdiction from the Minister to a tribunal resembling that set up under the Road Traffic Act, 1933, for hearing appeals about goods vehicles. While much of the evidence was favourable to such a transfer, it is perhaps significant that the Public Transport Association and the Passenger Vehicle Operators Association favoured continuance of the Minister's jurisdiction: *see* para. 183. It is even more significant (for the purposes of the present article) that the committee itself, with one dissentient, after an exhaustive appraisal of the issues raised, came down in favour of the Minister, and did so after particularly noticing a suggested analogy with appeals to a court of law. In para. 204 the committee stress the importance of leaving the Minister free to accept or reject the advice tendered to him by his inspector who has heard the appeal actually argued, and in para. 200 they avowedly base themselves upon the Minister's ultimate responsibility to Parliament for the efficient conduct of road transport.

When the chairmanship of this committee is remembered, we think it noteworthy that the conclusion stated was reached because of the very fact of the Minister's being thus responsible —*i.e.*, he is to be " judge in his own cause," not in spite but because of its being his own cause. While this deserves to be weighed on the one side of the current argument, there is yet another point on these appeals under the Road Traffic Act, 1930, which could be pondered on the other side. This is the practice in regard to these appeals (almost unique in cases decided by a Minister: the Inns of Court Conservative pamphlet mentioned *infra* has found one other case) of publishing not only the Minister's decision but also the full report of the inspector. Objections to publishing inspectors' reports in other contexts have been stated by the House of Lords itself, so long ago as *Local Government Board* v. *Arlidge* (1915) 79 J.P. 97.

It seems worth while to ask readers of the present generation to look back at our report of 40 years ago. The House of Lords was construing an Act passed in 1909; several of their lordships pointed out that the practice of not disclosing an inspector's report had existed ever since the Local Government Board was established in 1871, so that Parliament, in directing a public local inquiry, must have assumed the practice would continue. The House unanimously, like Lord Sumner (then Hamilton, L.J.) in the Court of Appeal, held therefore that

as a matter of law the person affected had no right to see the report. Lord Shaw in the middle column of p. 101, and Lord Moulton in the lower half of the third column on p. 104, declared that the legal position accorded with the merits. All the arguments used in today's controversies, in favour of disclosure, had been urged by Mr. Macmorran and Mr. Upjohn. In face of the exceptional weight of authority in that case against disclosure, it requires courage in 1955 to minimize the reasons against publication of reports. But when one Minister can publish, why not others—or at least some others? Publishing the report has the valuable result, *inter alia*, of ensuring that where the Minister does not accept his inspector's recommendation he is, practically speaking, obliged to give his reasons, so that the parties, and others in like case in future, have additional guidance. Especially valuable is this when the Minister overrules the inspector on some ground of general transport policy, or (it may be) upholds the inspector's conclusion but upon grounds other than those that moved the inspector. Inevitably, we suppose, discussion upon jurisdiction and tribunals tends to be focused on those instances thought to have worked badly, ignoring those which have given satisfaction and so might form useful precedents. It is with this in mind that we have given so much space to the foregoing examples.

A few weeks before the dissolution of Parliament, wide publicity was given to a pamphlet called *Rule of Law* issued from the Conservative Political Centre. This was described as a study by the Inns of Court Conservative and Unionist Society, drawn up by a committee consisting mainly of practising barristers of whom some are members of Parliament. Disclaiming a Whig approach, the committee was yet inevitably swayed by Dicey; in its anxiety to maintain the balance between executive, legislative, and judicial elements of the constitution, we are not sure that it fully appreciated how far the supposed undue exaltation of the executive, at the expense of other elements, has been brought about—in so far as it has been brought about in fact—by the legislature itself, under pressure from the mass of the population, helped onward by inability (nowadays admitted by many of the Judges) on the part of the judiciary to adapt its forms and mental habits to modern popular requirements. To put this another way: the supposed undue encroachment of the executive upon the rights of individuals (a supposition lying at the root of this publication) is, perhaps, not clearly enough understood to be the result of force exerted upon the executive by other individuals, making that force effective in the legislature. We are, however, not so much concerned to discuss the philosophic theories underlying the pamphlet as to examine the remedy proposed, for troubles which at the present day no serious person denies to exist and (leading to the remedy) the analysis by the learned compilers, of the existing chaotic system of administrative law. The committee is undoubtedly right in speaking of chaos in this field, and in saying that parliamentary control is in this context a pretence. We should ourselves go further, and say that such control would be a "remedy" worse than any disease that now exists. We do not forget that in local government many functions of judicial nature, or near judicial, are performed by various committees of elected persons, including some that consist of hearing appeals from an official or from a subordinate authority. But in these cases the committee in question is always subject to the courts. The danger of letting a parliamentary committee interfere in executive functions would lie (precisely) in its ultimate irresponsibility. Even as things are, when the House of Commons seeks to take a hand in the work of the executive, it is all too likely to encroach upon the latter's proper sphere, just as surely as the executive would be encroaching if it arrogated to itself legislative or judicial functions without parliamentary authority for doing so. The committee, whose pamphlet we are now considering, despite its consisting of Conservative members of Parliament and Conservative lawyers, adopts an opinion of Lord Silkin, to the effect that it is both impossible and wrong for Parliament to attempt to deal with individual cases.

Turning to administrative tribunals, under which title the committee classify bodies and organizations varying widely in function and origin, some of which should perhaps be separately classed, they do not altogether realize how far the creation of these bodies has been due to a conscious attempt on the part of governments of all political complexions, to remove matters affecting the person, property, or rights, of the individual from the danger of bias, and of adjudication on political grounds. The committee adopt as their own at p. 21 of the publication a passage from Professor Robson's *Justice and Administrative Law*, 1951, which could be criticized both on the ground of sweeping generalization about facts and on the ground of its confounding the functions exercised by a Minister inside his office with those (typically) entrusted, under statutory authority, to an independent tribunal. We should agree with the committee that it is usually a mistake to exclude legal representatives of persons who have to appear before tribunals, but we are sceptical about the conclusion (again adopted by the committee from Professor Robson) that the investigation of matters of fact by tribunals is generally of poor quality. It is unsafe to dogmatize, and an observer is in danger of doing so from a limited and personal range of experience, but we are inclined to say that the ascertainment of fact is at least as well done by the average "tribunal" (in the sense in question here), consisting of a legal or at least an experienced chairman with panel members who understand the subject matter, as it is by the average bench, and probably better than in many cases affecting the poorer classes which are handled by inexperienced advocates in the county court. It is true (as the committee state) that there are cases where the department itself is a party to the proceedings before the tribunal: we have discussed this at some length already. But this is an aspect of the growth of social services in the widest sense; the fact, so far as we can see, is inescapable—though of course any resulting evils can and should be mitigated.

To meet these criticisms, some well founded and some less so, of the existing English arrangements, the committee advise considering what has been done in France and the United States. We need not here enlarge upon the *Conseil d'Etat:* we have already published many notes upon its working, largely based, like the relevant pages in this committee's pamphlet, on the work of Mr. C. J. Hamson. It is, however, worth while to call attention here to a remark in the article above quoted by Mr. R. M. Jackson in the *Manchester Guardian*. Mr. Jackson points out, with some vigour of expression, that the English system (in tune with the development of the British constitution) allows a government in the last resort to have its way. We agree with him that it would be impossible to apply review, by any body wholly independent of the Government, to the sort of problems which Professor Robson mentions, in the passage to which we have referred above as being adopted by the present committee, where a Minister has to consider a question compounded of private rights, public policy, and practical expediency. The committee are evidently disturbed by the case of Parker the cab driver, of which we spoke at 117 J.P.N. 541 and 589. So is Mr. Hamson at p. 11 of his *Executive Discretion and Judicial Control*, which we reviewed last year. So were we, though not for all of the same reasons. The committee follow Mr. Hamson in contrasting a closely parallel case in Paris, where the *Conseil d'Etat* overturned

a decision by the *Prefet* of the Seine. But the London case arose under an obsolete statute of local application only, which was (we respectfully thought when we commented before) misunderstood by the Divisional Court; it is most difficult to guess what the result would have been but for that misunderstanding. Outside the metropolitan police district the case could not have arisen, because there is already, and has been since 1890, a right of appeal to the ordinary courts, while in the analogous matter of licences for the drivers of omnibuses, Parliament so lately as 1930 modernized the law—by the very expedient of setting up administrative tribunals. To take a more relevant case, which the committee do not cite, though this also will be found in Mr. Hamson's book of 1954. We mean the case where the French Government declined to admit to a qualifying examination for a training college certain would-be candidates for government employment, and the *Conseil d'Etat* held their exclusion ineffectual. Would English lawyers deny to the British Government, just because it is the Government, the elementary right to say what are to be the conditions on which it will admit trainees to a school set up for its employees? Surely not.

To English ideas it would equally be intolerable that a body with no executive responsibility should be able to over-rule a Minister, who had decided that there was reasonable cause to allow a city council to borrow half a million pounds for waterworks, or that there was no sufficient cause for that council's establishing a comprehensive school. (Either decision might have most deleterious effects on private persons and so might fall within the principle which the committee seem to advocate.) If it is found tolerable in France for the *Conseil d'Etat* to review decisions of this kind, it can only be because of the greater simplicity of public life. So again the alterations of system introduced in the United States by the Administrative Procedure Act, 1946, of the federal legislature are (apart from publication of tribunal reports, which we have already advocated ourselves) linked to the governmental organization of that country, which is different from our own.

We are not concerned to deny that both France and the United States have a good deal to teach England upon details; we have more than once said this in effect in earlier articles. What we are anxious to secure is that no doctrinaire adherence to supposed theories of the constitution, and no doctrinaire following of foreign precedents, shall lead English legislators into setting up institutions alien to the English genius.

The present committee justly call attention to some difficulties arising from the nomenclature adopted in the Report of the Donoughmore Committee. So far as its terms of reference allow, the Donoughmore Report is valuable, but neither Lord Donoughmore and his colleague nor the present Conservative committee have succeeded in making clear where to draw dividing lines between judicial, quasi-judicial, and administrative functions. The present committee attempts to substitute a different classification into judicial, discretionary, and mandatory functions, but even this is by no means clear-cut. There must in any of the cases the committee was considering be an element of choice on the part of the deciding body or person; we do not think it greatly matters how this element of choice comes to be created. Every person who has to decide anything is under at least a moral duty to bring to bear the best capacity he has; where the decision goes beyond the mere existence of a fact his duty includes choosing, and weighing relevant issues —whether these are the interests of a public body, or the interests of an individual, or the interests of an indeterminate number of persons. This last is, in truth, the factor which has to be weighed in nearly all the cases which have given rise to difficulty, and it is the fact that the Minister (or tribunal) is charged with a kind of trust, on behalf of persons who are not represented and in the nature of things can not be represented before him, that the present committee (as it seems to us) have not adequately realized.

It is a pity that since the Donoughmore Committee there has not been an all-party examination of the group of problems here discussed, problems which every public man admits need further thought, problems about which there is much less disagreement among thoughtful people than would be supposed from reading the newspapers, or the more impetuous *dicta* of the Judges. We had already written, by way of a conclusion to this article, that one result of the appearance of this committee's pamphlet, and the introduction last December of the Liberties of the Subject Bill in the House of Commons, by members belonging to the committee or associated with the same school of thought, might be the calling together of a new committee upon " Donoughmore " lines, when the Chancellor's statement above quoted showed the Government to be thinking of this course. Upon the Bill mentioned, therefore, we merely say that its central ideas seem such as could be accepted by any lawyer with experience of administration, but that some details strike us as ill-thought-out.

Whether or not the Bill, and the pamphlet paving the way for it, lead to a successful appraisal of the situation by some impartial body, the Inns of Court Conservative and Unionist Society have performed a public service by appointing the very strong committee which compiled the pamphlet. Its bias is natural, and in part admitted frankly; we think there is a rather greater bias than the learned authors know, but, for all that, the pamphlet is the most helpful study of its subject we have seen for a long time.

ADDITIONS TO COMMISSIONS

CUMBERLAND COUNTY

Lieutenant-Colonel Timothy Fetherstonhaugh, O.B.E., The College, Kirkoswald, Penrith.

LINCS. COUNTY (PARTS OF HOLLAND)

Jack Richard Boddy, 23, Albert Street, Holbeach, nr. Spalding.
Mrs. Jeanne Driver, 10, High Street, Spalding.
Robert John Pizzey, Lloyds Bank House, Spalding.

LONDON COUNTY

William Henry Brind, 25, Weltje Road, Hammersmith, W.6.
Edward Livingstone Clarke, 25, Cranmer Court, Sloane Avenue, S.W.3.
Leonard George Farnden, 9, Bulmer Gardens, Harrow.
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Sidney Williams, 4, Woburn Walk, Upper Woburn Place, W.C.1.
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PEMBROKE COUNTY

Mrs. Rosemary Sybil Browning, Y Fagwr, St. Davids.
Mrs. Katharine Florita Lort-Phillips, Knowlee Farm, Lawrenny, Kilgetty.
James Elvet Harries Martin, Lochmeyler, Pen-y-cwm, Pembs.
Mrs. Christine Phyllis Rice, 110, Charles Street, Milford Haven.
James Perkin Richards, Penybank, Castlemorris, Haverfordwest.
Mrs. Adelaide Rose Rolstone, 12, Picton Close, Hakin, Milford Haven.
Walter Edward Thorne, Studdolph Hall, Milford Haven.
William Henry John Uphill, Panteg Farm, Llanddewi, Velfrey, Narberth.
Frederick Leonard Ward, 21, Holding, Jordanston, nr. Neyland.
Mrs. Ella Lawton Watts, Greenfield, Letterston.

WEST KENT COUNTY

His Honour Judge Herbert James Baxter, O.B.E., Many Trees, Packhorse Road, Bessels Green, Kent.

FRAUD

Local authorities are custodians of immense sums of public money. The subjects of its expenditure are determined as matters of policy by the elected members and the national government while the detailed payments are matters largely of administration in relation to which officers of all departments work as a team to interpret and execute the broad instructions of their councils. In this task they follow well recognized procedures of various kinds designed to ensure that money is only spent on authorized purposes and that such disbursements are unattended by waste or extravagance. All men not yet being honest it is necessary for additional safeguards to be devised against those who would deplete the public purse illegally for their personal gain: in this matter a considerable measure of responsibility rests upon the treasurer of the local authority who can and should advise his council and brother officers about security measures. There is in addition the annual audit when financial transactions come under outside scrutiny.

When in the past frauds have been discovered investigation has often disclosed a fault or faults in the security system and the lessons learned have been applied to the present day. Nevertheless, while (we hope) it is unlikely that nowadays there could be repeated a fraud such as that perpetrated in 1922 against Norfolk county council when a clerk manipulated highways invoices, schedules and cheques to such effect that he diverted no less than £49,730 into his own pockets over a period of seven years, frauds do unfortunately still recur, and as the circumstances may not in all cases have come to the notice of our readers it may be interesting and useful to record examples. Accordingly, we note below some which have occurred during the past five years:

1. *School Income:* There have been a number of cases in which school income has been misappropriated, often by school clerks: in this instance, however, the headmaster of a modern secondary school was the culprit. He was responsible for the collection of income from school meals, school gardens, sales of metal work and needlework and for over a year had falsified his returns by inflating the number of meals supplied free and at a reduced charge and understating the numbers of meals for which a full charge had been made. The fraud was discovered when reference to the statistics of school meals prepared by the treasurer showed that at this particular school the number of free and reduced cost meals were exceptionally large in comparison with other schools. The system in operation provided for a return of school meal transactions periodically but comparisons between schools were not made regularly and discovery was delayed correspondingly.

This kind of fraud illustrates one of the many ways in which examination of statistics can detect misappropriation—provided the information prepared is used intelligently and promptly.

2. *Superannuation Payments:* In this case a clerk in the superannuation section of a finance department secured the improper issue of cheques by entering on the requisitions payments to pensioners for a period after their deaths. He obtained the cheques from the section of the department charged with the duty of examining and dispatching them by various misrepresentations, for example, that he wished to enclose them with correspondence to the pensioners; and after forging endorsements cashed the cheques at the council's bank. Certain extraneous matters aroused the suspicions of the treasurer who caused the transactions of the superannuation section to be closely examined, when the fraud was discovered.

Two points of interest arise here. First, the instructions which forbade the issue of cheques to members of the staff, save on a written request and explanation from the section head, and a receipt from the recipient, had been ignored; and secondly, there was no internal audit examination. The latter position is by no means uncommon because a complete check on all transactions of income and expenditure would be prohibitive in cost but the case does illustrate the necessity of periodical checks to ensure that prescribed security systems are being enforced, and a periodical review of internal check systems.

3. *Delivery of Materials—Collusion involved*: Our third example presents what we believe are unusual difficulties. It was a case where a contractor agreed to deliver stone by barge to various points on a river, the material to be used to prevent scouring. On delivery the cargoes were dumped either into the river bed or its bank. An appropriate quantity of stone was ordered to be delivered at a particular site and on arrival readings at water level of the barge calibration plates were taken on behalf of the authority and the contractor, delivery tickets prepared from these readings being the basis of payment. The plates had been altered to indicate a deeper draught than was correct thus incorrectly increasing the laden weight, and after discharge readings were only taken after weighty barrels had been rolled into position on the barge to tilt up the stern and stem in turn thus improperly reducing the tare weight. The readers allowed time for rolling out the barrel while they rowed from one plate to another. There was a condition in the contract that the calibration plates should be verified by the navigation authority on demand from the purchasing authority, but such verification had never been demanded.

This was an example of collusion, always a difficult matter to detect and eventually came to light because of disclosures by an employee of the contractor. Nevertheless, intelligently directed inquiries by inquisitive auditors have brought matters of this kind to discovery in the past.

4. *Delivery of Materials—Overcharges without Collusion:* Numerous examples of this kind of fraud can be cited: we will mention two only. The first concerned the supply of paint for direct labour housing work. In this case the firm concerned had contracted to supply 50 *per cent.* lead priming paint whereas over a long period they actually supplied paint with half the required lead content, nevertheless charging the full agreed price. This fraud was made possible because no steps were taken to check that the specification was being observed, either by chemical analysis or by informing the using employees of the quality ordered. Another kind of fraud is the delivery of material short of the invoiced weight, a matter which can be very serious where very large quantities are involved, for example, in relation to the supply of coal to schools. One instance of this kind came to light because of the suspicions of the headmaster, who insisted on the weighing of certain deliveries. Admittedly, this is not an easy matter, but co-operation between headmasters, caretakers, internal audit and weights and measures staffs, plus punishment and publicity where offences are detected, will do much to reduce or eliminate losses.

5. *Misappropriation of Materials:* Our last example concerns one whom a Sunday newspaper called, with perhaps a touch of that emphasis to which first day of the week scribes are devoted, the most impudent crook in the country. Certainly he defrauded the council of a large sum, reported as £7,700,

one item of his activities being recorded as follows: "He had enough animal feeding stuff delivered at his home to fill a special train. There were tons of it, worth more than £1,000. The council paid and asked no questions." Over a period of seven years goods were ordered by the officer on behalf of the county council and diverted to his own purposes: he certified the invoices, duly substantiated by the official order forms, and by committee authority for the purchases where necessary. He also obtained cash fraudulently by selling equipment belonging to the council. This case was one of a senior and trusted officer going astray: his downward path was eased by the absence of internal check and of complete stores records and inventories. If the auditors had taken stock of materials and equipment or had traced purchases to stores accounts and inventories where these existed, the fraud could have been discovered at the first examination after it began.

ODDMENTS FROM THE "J.P."

By THE REV. W. J. BOLT, B.A., LL.M.

(*Continued from p.* 477, *ante*)

In 1892, Charles Seale-Hayne, Liberal M.P. for Mid-Devon, introduced a Bill to reform the magistracy. It is described at p. 131. "Justices of the Peace Bill: To amend the law in regard to the Appointment, Qualification, and Removal of Justices of the Peace, and to provide for the Election of Elective Justices by Town and County Councils, to abolish the property qualification of Justices, and to disqualify for non-attendance at Sessions." This project did not reach the Statute-book.

An item of Parliamentary Intelligence in 1899 at p. 172, is worth noting. "Prison Treadmills and Cranks. Replying to Mr. Flower, Mr. Collings said: 'There are 33 treadmills and 11 cranks now in use. All these are used for productive or useful prison purposes, grinding wheat, sawing wood, or pumping water.'"

Private prosecutions were still common at the end of the century, and a strange sidelight on the practice appears in 1899 at p. 744. "Criminal Law: Prosecutor Unwilling to Prosecute. Before Mr. Clewer, metropolitan magistrate, on the 15th inst., Emma Cater, barmaid, was charged with feloniously cutting and wounding Nicholas Melville, by stabbing him in the left breast with a knife. The prosecutor was brought to the court in a cab, attended by a doctor from the London Hospital. On going into the witness-box, he said that he did not wish to prosecute. He had known the prisoner some time. Mr. Clewer told him that he must prosecute, as it could not be allowed that a charge of this kind should be dropped. On the prosecutor showing further reluctance to give evidence, the magistrate added that the prisoner would be sent to the sessions, and a judge would insist on the witness giving evidence, or send him to Holloway until he made up his mind to state the facts."

A perplexed magistrate, who was not certain how far a House of Lords' decision was binding on lower courts, submits a Practical Point at 1899, p. 122. "Whether *Hawke* v. *Dunn* or the *Kempton Park* case Binding on Justices. Are justices of the peace bound by the decision in *Hawke* v. *Dunn*, or by the decision of the House of Lords in the *Kempton Park* case? F.J.B."

I have noted in earlier articles that, across the decades, there persisted, in the correspondence columns and in Practical Points, a steady curiosity in the problem of precedence among magistrates. On one occasion, an enthusiast consulted the Home Secretary about the problem; and the guidance which Whitehall gave is set out in 1899 at p. 120. "Home Secretary's Ruling on the Precedence of Magistrates. Gentlemen, Enclosed I send you a copy of a letter from the Home Secretary in 1896, which will be of interest to many readers of the 'J.P.' I believe that the view of the Home Secretary upon this matter is contrary to that which is usually entertained, Yours truly, Alfred Slocombe."

"Whitehall, 2nd October, 1896. Sir, In reply to your letter of the 7th ult., asking whether a gentleman whose name was placed on the commission of the peace in 1881, and who did not take the oaths until 1893, would take precedence of gentlemen who were appointed and took the oaths between 1881 and 1893, I am directed by the Secretary of State to say that he is advised that precedence would depend on the date of appointment, *i.e.*, the date of the insertion of the name in the commission."

The caption "Gas Meter" catches the eye in 1900 at p. 731, and the paragraph merits quotation. "At the final meeting of the Rotherhithe Vestry, the Baths and Washhouses Committee submitted a report in reference to the gas meter at the baths which, it was stated, for 18 years had registered only one tenth of the gas consumed, owing to the dial indicating hundreds for thousands of cubic feet. The Committee stated that some years ago, they expressed surprise at the small bills, and had the meter tested, but it was certified quite correct. No further notice was taken of the meter until recently, when the South Metropolitan Gas Company sent in a bill for £2,947 and asked for a cheque, but offered to take this large sum by instalments. The Committee on the order of the Vestry, consulted Mr. McMorran, Q.C., as to their liability in the matter, and have received the opinion, from the learned counsel, 'that the Vestry could not require the overseers to levy a poor rate to meet the claim. Such a rate would be retrospective and therefore liable to be quashed if any ratepayer appealed against it. He therefore could not advise the Vestry to pay the claim, except in obedience to a *mandamus* or order of a competent court. The views of the Local Government Board may be obtained as to raising a loan to meet the claim. But he doubted if such sanction would be given.' As a result, the committee recommended that the clerk be instructed to inform the Company that the Vestry had no power to levy a retrospective rate to meet the claim, and therefore they could not admit any liability in the matter. The recommendation was unanimously adopted."

Parliamentary Intelligence again records a milestone in penal reform, in 1902 at p. 105. "In reply to Mr. Flower, Mr. Ritchie said, 'There are now only six treadwheels grinding corn, and it is proposed to discontinue the use of these, if possible, on the 1st of April next.'"

And in 1902 at p. 395, "The Home Secretary, after consultation with the Prison Commissioners, has approved the draft of new rules, substituting for the practice of hoisting a black flag after executions, the posting of a notice in writing at the prison gates."

In 1905 at p. 387, appears the full report of *R.* v. *Appleton*, where the accused was tried and convicted on a charge of murder committed in 1882, 23 years earlier.

A headline in 1911 at p. 257 gives a rare fillip to the imagination. "Town Hall Taken In Execution." "Llanrwst, a small

market town in the Valley of Conway, North Wales, has undergone an extraordinary experience in the seizure of all the assets of the urban district council, including the town hall. In December last, a local property owner secured an injunction directing the council, within a given period, to cease to turn sewage into the river Conway, in such a way as to be a nuisance to the plaintiff or to damage his property. The taxed costs amounted to nearly £2,000, and, as the amount was not paid by the council, the writ of Fi. fa. was issued, and the sheriff's officer took possession of the town hall and also of the fire engine, watering cart, and other property of the council. The Local Government Board, on being made aware of this, at once telegraphed Mr. Latimer Jones, sanctioning the borrowing by the council of £1,900 for one year, thus enabling the council to raise sufficient money to pay out the sheriff's officer. We understand the Local Government Board will hold an inquiry shortly into the matter."

The news item in 1918 at p. 558 belongs to another age and civilization—" Realism in the Dock." Two American lady reporters have committed petty thefts, with the deliberate intention of being charged and convicted. Their confessed purpose was to be in a position to give to the public their first-hand impressions of " how it feels to be a convicted thief."

From its very first volume, the " J.P." paid lavish tributes to the memory of John Howard, and an item in 1927, at p. 290, records the mark of recognition recently accorded to him by our courts. " The Lord Mayor of London unveiled last week a bronze tablet at the Central Criminal Court, to the memory of John Howard, the chief originator of the prison reform movement of the last century."

There is a certain story which has long been bandied about among English criminologists, in illustration of the daring educational trends which characterize American penal methods. Nobody has ever quoted chapter and verse for it, and most people would dismiss it as a legend. I have run it to earth in the " J.P." where, in 1928 at p. 534, it is presented as a sober news-item. " Making Good in Prison. The case of G. W. Davis, a negro, who, after spending 14 years in the Maryland State Penitentiary, has come out on parole ready to sit for the Federal Bar examination as the result of assiduous study while in prison, reflects credit both upon him and upon the system under which he was able so to prepare himself for a career after his release. While in custody he took a correspondence course in law, patented an invention, saved money and, most important of all, repaid the money he had robbed. Englishmen are a little inclined to ridicule American penal methods; those who have been admirers of Thomas Mott Osborne may doubt whether it was the man rather than the system that achieved so much. Here however, is a wonderful story of rehabilitation, and it would be interesting to learn a good deal more about the prison system in Maryland."

Another facet of American life appears in a review in 1929 at p. 745. W. White's " Rope and Faggot," recently published, was a study of the Klu Klux Klan in the period 1920–1927. In those seven years, that body performed 304 " extra-judicial executions," and 42 of its victims were burnt alive.

In 1939 at p. 279, the journal notices an innovation which imperils the sacred foundations of our own system of law and order.

" Masked Witness. A question in the House of Commons on April 20 revealed a remarkable state of things. A police witness in a case at Bootle, wore a mask while giving evidence. This is obviously irregular.

" The demeanour of a witness is an element in weighing his evidence. Even the impassive face of a policeman has been known to belie his words. The excuse made was that if the witness had been identified by certain persons present in court, he might have been in danger of personal violence, so presumably his name and address, too, were concealed. It is of course the duty of the police to protect their own and every other witness from personal violence. It is a bad expedient to introduce a melodramatic secrecy in proceedings supposed to be public. Fortunately, the Secretary of State ' realized the objections if this practice were commonly adopted and is in further consultation with the chief constable on the subject.' "

(*To be continued.*)

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 59.

ROAD TRAFFIC ACT, 1930, s. 49. AN ACQUITTAL

The writer is greatly indebted to Mr. F. G. Hails, clerk to the Dartford (Kent) justices, for a report of a case heard by his magistrates on June 30 last, when a lorry driver was summoned for failing to conform to a traffic sign, being a sign lawfully erected for regulating the movement of traffic, contrary to s. 49 of the Road Traffic Act, 1930.

It appeared from the evidence that the driver was on a main road in the vicinity of a public weighbridge erected by the county council for the weighing of vehicles in connexion with various statutory powers. The traffic sign was a sign directing the driver to stop and it was held out or placed in the road in front of oncoming lorries. When the sign was placed in front of defendant's lorry he failed to stop and drove on.

The prosecution produced an order authorizing the traffic sign, made by the Minister of Transport in 1953 by virtue of powers given to him in s. 48 of the Road Traffic Act, 1930. The sign had been brought to court by the prosecution and was, in point of fact, produced before the order authorizing it was shown to the magistrates. It then appeared, on the face of it, that the sign was not in the authorized form whereupon the prosecution offered no further evidence and asked for the case to be dismissed.

COMMENT

Mr. Hails, in a covering letter, states that owing to the collapse of the case for the prosecution the court was not called upon to decide whether a sign of the nature referred to above can be authorized by the Minister under s. 48. It will be recalled that by this section, traffic signs may be placed on or near roads in their area by a highway authority provided they are in conformity with general directions given by the Minister and, by subs. (2) they are to be of a size, colour and type prescribed by regulations.

By subs. (9) of the section the expression " traffic sign " is to include all signals, warning sign-posts, direction posts, signs or other devices for the guidance or direction of persons using roads.

It will be recalled that in order to avoid constant inquiry by the court as to whether a traffic sign is one which is of the prescribed size, etc., s. 36 of the Road Traffic Act, 1934, enacts that all traffic signs placed on or near a road shall be deemed to be of the prescribed size, etc., unless the contrary is proved.

The writer feels reasonably certain that the question of whether or not a hand-operated traffic sign directing a driver to stop, is a sign authorized under s. 48 of the principal Act, must have been decided on many occasions in magistrates' courts but he is not aware of what decision has been reached in the matter. It would seem reasonable to assume that such a sign could be termed a " traffic sign " within the meaning of s. 48 (9), without straining too much the definition.

R.I.H.

No. 60.

OF INTEREST TO SCHOOLMASTERS

A classics master at the local grammar school was the defendant in an unusual and interesting case heard earlier this month by the Lowestoft magistrates. The defendant was charged, at the instance of an elector, with acting as a member of the local town council when disqualified for so acting, contrary to s. 84 of the Local Government Act, 1933.

The prosecution relied on s. 59 (1) (*a*) of the Act of 1933, which provided that a person should be disqualified for being elected or being a member of a local authority if he held "any paid office . . . in the gift or disposal of the local authority." The prosecution stated that under the Education Act of 1944, Lowestoft became an excepted district, with the result that although East Suffolk county council remained the local education authority, it acted through Lowestoft council, sitting as the divisional executive. The prosecution submitted that the town council as divisional executive, had the post of assistant master at a school provided by the authority in its "gift or disposal." The matter depended upon the terms of the "Scheme of Divisional Administration" made under para. 5 of part III of sch. 1 of the Education Act, 1944, and the "Instrument and Articles of Government for County Secondary Schools" made under the scheme. The effect of these two documents was that an assistant master had to be appointed by the school governors (two-thirds of whom had to be nominees of the divisional executive) in consultation with the headmaster, and that the appointment was "subject to confirmation" by the divisional executive.

The defendant gave evidence that in fact he was appointed after an interview with the headmaster, and was not interviewed by the governors at all, but contended that in any case under the terms of the provisions dealing with his appointment it could not be said that the requirement for confirmation by the divisional executive amounted to the "gift or disposal" of his post. The defence also relied on the fact that according to the same provisions an assistant master so appointed was in the service of the local education authority, *i.e.*, the county council and not the borough council.

The borough education officer, who attended on *subpoena*, said that defendant's salary was paid out of the funds of East Suffolk county council.

Defendant, in evidence, said that he was anxious before standing as a candidate at the elections in May of this year, when he was in fact successful, to have his legal position clarified and he accordingly instructed his agent to write to the clerk of the county council, and decided to stand after receiving a reply. He considered that his employers were the county council, and as stated above he received his salary from them. Defendant admitted in cross-examination that before standing there was brought to his notice a reply given by the then Minister of Education in the House of Commons in 1946, which indicated that in the circumstances which prevailed in his case a person would be disqualified. Defendant stressed, however, that the Minister had merely expressed an opinion.

Defendant was fined £5 and ordered to pay £10 10*s.* costs.

COMMENT

The writer has reported the facts of this case in some little detail, for it is understood that the case is one of great importance to teachers in "excepted districts" under the Education Act, 1944.

It would seem clear from the facts that the defendant had grounds of substance upon which to rely for the action he took in standing for election as a local councillor but, nevertheless, it would appear that the court's decision was the right one.

Section 84 of the Act of 1933, it will be recalled, entitles a local government elector—and no one else—to institute proceedings under the section in either the High Court or in a court of summary jurisdiction. By subs. (3) (*b*) a defendant within 14 days after service of a summons upon him may apply to the High Court and if the High Court is satisfied it may make an order, which may not be the subject of an appeal, requiring the court of summary jurisdiction to order the discontinuance of proceedings in that court.

By s. 84 (2) (*b*) a court of summary jurisdiction may impose a fine of £50 for each occasion on which a defendant has acted as a member of a local authority while disqualified.

It is interesting to know that s. 94 provides that a person shall not be disqualified for being a member of an education committee of a local authority by reason only of his being a teacher in a school which is aided, provided or maintained by the local authority appointing the committee.

(The writer is greatly indebted to Mr. J. N. Martin, clerk to the justices of Beccles, Blything, Bungay, Mutford, Lothingland and Lowestoft, for information in regard to this case.)

R.L.H.

PENALTIES

Oxford—June, 1955. Obstructing the highway with a car. Fined £2. Defendant, a woman, left her car in the road so that it blocked the daylight from a basement living-room from 9.15 *a.m.* to 5.40 *p.m.*

Oxford—July, 1955. Assault occasioning bodily harm. Fined £30 and to pay £3 18*s.* costs. Defendant, a 23 year old labourer, smashed a bottle on the head of a barman.

Halesworth—July, 1955. Causing unnecessary suffering to a pony. Fined £10 and to pay £10 10*s.* costs. Defendant, a farmer. As a result of his neglect the hooves of the pony grew so long as to make it very difficult for the pony to walk. Defendant said the pony had been on wet meadows, which caused marked growth of the hooves.

Blyth—July, 1955. Causing a false fire alarm to be given by telephone. Fined £5 to pay 10*s.* costs. Defendant, a seaman, reported that the fire was at the home of a woman friend who had told him to leave her home.

Oxford—July, 1955. Obtaining credit to the extent of 18*s.* 6*d.* by means of fraud. Two defendants, each sentenced to six months' imprisonment. Two men hired a taxi from Oxford to Dorchester and then refused to pay. Both were unemployed and both had served prison sentences.

West Ham—July, 1955. Using insulting behaviour whereby a breach of the peace might have been occasioned. Fined £2. Defendant, a striking stevedore, ran up and down the road with one trouser leg rolled up to his thigh and pointing to his white leg. He refused to stop when requested.

Stockton—
—July, 1955. Driving a car while under the influence of drink. Fined £50.
—July, 1955. Being in charge of a car while under the influence of drink. Fined £50. First defendant, a learner driver. Both men disqualified from driving for two years.

WEEKLY NOTES OF CASES

COURT OF APPEAL

(Before Sir Raymond Evershed, M.R., Jenkins and Parker, L.JJ.)

X.L. FISHERIES, LTD. *v.* LEEDS CORPORATION

July 4, 5, 1955

Landlord and Tenant—New lease—Request by tenant—Reversion acquired by local authority—Opposition to new lease—Notice of application to government department for certificate served on tenant within two months of request—Effect of request—Landlord and Tenant Act, 1954 (2 *and* 3 *Eliz.* 2, *c.* 56), *s.* 57 (4) (*b*).

APPEAL from Leeds county court.

The tenant held premises used by him as a fried fish shop under a seven years' lease which expired on February 28, 1955. On November 22, 1954, he applied under s. 26 (1) of the Landlord and Tenant Act, 1954, to the landlord for the grant of a new tenancy. On January 19, 1955, the reversion of the premises was conveyed to the local authority who notified the tenant that they had applied to the Home Secretary under s. 57 of the Act for his certificate that it was requisite for their purposes that the premises should be occupied by members of their police force from March 1, 1955. The local authority objected to the grant of a new tenancy on the ground that, by virtue of s. 57 (4) of the Act, the tenant's request became of no effect. The question for the decision of the court was whether the local authority was entitled to rely on that subsection notwithstanding the fact that, at the date when the request for a new tenancy was made, they were not the landlords of the property in question.

Held, a local authority who became landlord after the date of the request by the tenant for a new tenancy was not disabled from putting in, within the two months' period mentioned in s. 57 (4) (*b*), a notice of opposition based on one or more of the grounds contained in s. 30 of the Act, and, therefore, the request of the tenant was of no effect. *Appeal allowed.*

Counsel: *Nigel Bridge* for the corporation; *Rountree* for the tenants.

Solicitors: *Sharpe, Pritchard & Co.*, for *R. Crute*, town clerk, Leeds, for the corporation; *Gibson & Weldon*, for *Bretherton, Ditchburn & Nelson*, Sunderland, for the tenants.

(Reported by F. Guttman, Esq., Barrister-at-Law.)

MISCELLANEOUS INFORMATION

CITY OF SALFORD— CHIEF CONSTABLE'S REPORT FOR 1954

There is a serious shortage of numbers in the city force, and the position shows no sign of improving. The authorized establishment is 331 men and 23 women. At the end of 1952 the actual strength was 303 and 21, 1953 it was 289 and 21, 1954 it was 283 and 17, so that the last two years have both shown decreases in total actual strength. The chief constable notes that in the past five years the force has lost 52 men and 11 women after periods of service ranging from a few months to a few years, the main reasons being the dislike of shift work, and the attraction of higher pay and seemingly better working conditions in industry. In his view, police forces in industrial centres will continue to find it hard to keep up their strengths in these circumstances because " to serve in the police service one needs a sense of vocation, and unfortunately a substantial increase in pay gives no guarantee that the right type of person would be attracted to the service." We fear that this may be true, and it is not only the views of the men that have to be taken into consideration. They might be prepared to tolerate the " inconveniences " of police service, but it may well be that their wives and families resent the interference with ordinary domestic and social arrangements which a police officer's duties may entail.

In 1949, a system of team policing was introduced in the Salford police force, and the report for 1954 states that it " continued to function with undiminished success, and indeed we should have found it difficult, with our depleted strength, to fulfil all our commitments had we not had its aid." We note that it is stated later in the report that dogs continue to operate in the evenings and at night as part of the police team. One dog chased and " arrested " a persistent housebreaker who was sentenced later to eight years' preventive detention.

Fortunately, crime continues to decrease, and in 1954 the total of recorded crimes was 1,408, 230 less than in 1954. This is the lowest total since 1941. The biggest decrease was in " breaking " offences which were 340 in 1954 against 518 in 1953. The report states that such a reduction cannot be attributed solely to measures taken by the police and suggests that " perhaps the most important cause is the relaxation of controls over some classes of goods hitherto scarce and the consequent lessening of their value to thieves." There was a high percentage of detection (68·18 *per cent.*), which was 10 *per cent.* more than in 1953. Moreover, 82 crimes outstanding from 1953 were cleared up in 1954.

Six hundred and nine people were prosecuted for indictable offences during 1954, and 306 of these were under 21 years of age. Figures such as these emphasize the importance of trying to deal with these young offenders in such a way that they do not, as they grow older, become persistent offenders. Of the 306, 227 were under 17, and a heavy responsibility rests upon the juvenile courts by whom practically all these 227 must have been dealt with. The report states that a further 46 juvenile " offenders " were not brought before the court, either because of extreme youth or because complainants declined to prefer charges, and one is left wondering what steps, if any, were taken to prevent these 46 from offending again.

Under the heading of non-indictable offences are included no less than 44 cases of " driving under the influence of drink," which seems a very large number as compared with only 28 charges of dangerous driving. In all there were 1,709 traffic offences, 147 less than in 1953.

The analysis of causes of accidents involving death or injury shows that 168 were due to " pedestrians using the carriageway heedless of traffic " while 163 were due to " careless or inconsiderate driving." In other words, road safety depends upon everyone taking due care and behaving reasonably.

TRANSFER OF FUNCTIONS (FOOD AND DRUGS) ORDER, 1955

The Transfer of Functions (Food and Drugs) Order, 1955, providing for the transfer of certain food hygiene functions from the Minister of Agriculture, Fisheries and Food to the Minister of Health, was laid before Parliament on July 5.

Under this order the Ministry of Health will be the central department responsible in England and Wales for general food hygiene work with effect from July 6, 1955. The Ministry of Agriculture, Fisheries and Food will, however, remain the central department responsible for the hygiene of milk production and distribution, and of meat and meat products while in a slaughter-house or in the course of importation, as well as for the composition and labelling of food. The Ministry of Health will still be the central department responsible for medical advice on all food matters and for measures for the control of milk-borne disease.

The order also provides for the transfer from the Ministry of Agriculture, Fisheries and Food to the Ministry of Health of responsibility for welfare foods, including welfare milk, in England and Wales. This transfer will come into effect on October 1, 1955. There will not be any change in the existing arrangements for the local distribution of welfare foods. The tokens used under the welfare foods service will continue to be issued to beneficiaries from the local offices of the Ministry of Pensions and National Insurance. The welfare foods will continue to be distributed by the local health authorities, and the arrangements with the suppliers of liquid milk will be unchanged.

The two departments will continue to work closely together on all matters concerning food and drugs legislation, and all regulations and orders under such legislation will, with a few exceptions, continue to be made jointly by the Minister of Health and the Minister of Agriculture, Fisheries and Food.

DERBYSHIRE FINANCES

Two booklets have reached us recently, one treating of the finances of the county council, the other summarizing in addition the financial transactions of the county districts in the year 1954/55. They have been prepared under the direction of the county treasurer, Mr. T. Watson, A.S.A.A., F.I.M.T.A., and they well maintain that high position among the best of these publications both as regards speed and manner of presentation which Derbyshire has long enjoyed. Mr. Watson, the county district treasurers, and all who have helped in the publications are to be congratulated on the results achieved.

The county council had a good year financially as, subject to the charging of certain capital expenditure to revenue, all the main committee estimates were underspent and the total rate levied of 15*s.* 9*d.* was consequently 5*d.* in excess of requirements. Rate adjustments for previous years brought in an additional 6*d.* so that the closing balance increased by 11*d.* to £745,000, equal to a rate of 3*s.* 11*d.*: cash held at the year end came close to this figure as the following analysis of the balance shows:

	£
Debtors	899,000
Plant and Stock (net)	180,000
Cash in hand	698,000
	1,777,000
Less Creditors	1,032,000
	745,000

The county area at 635,000 acres has remained unaltered since 1949/50 but the population has increased by 23,000 to a total of 701,000 since that date: rateable value has also increased to just under £4 million, but at £5 13*s.* 9*d.* per head of population still brings in a useful equalization grant of £1,891,000.

Mr. Watson has made comparisons throughout the booklet with the expenditure of 1949/50 but is careful to point out that in doing this proper allowance should be made for the increasing level of wages and prices; for example, wages have risen 32 *per cent.* since 1949/50. Overall expenditure has increased by 56 *per cent.*: within this total, fire brigade costs have gone up 81 *per cent.* (standardization of hydrants and provision of new fire stations and firemen's houses), welfare 80 *per cent.* (more homes for the old and inauguration of scheme for physically handicapped), police 64 *per cent.* (establishment increased from 616 to 697) and highways 42 *per cent.* The percentage increase of expenditure met from rates is highest at 75 *per cent.*, mainly because expenditure has been proportionately higher on services which are either wholly or largely financed from rates.

Loan debt has risen from under £2 million in 1949/50 to £6¼ million at March 31, 1955, £4¾ million of which is in respect of education. Latest average rate of interest paid was 3·33 *per cent.*

Cost tables at the end of the booklet show weekly costs in homes, etc., and compare unit costs of various services with the averages for all English counties.

With the publication of the seventh annual booklet dealing with local government finance in the whole of the administrative county Mr. Watson includes again diagrams and explanatory notes with the figures, and thereby in our judgment improves an already excellent publication. The county finance committee hope that this year's form will have a more popular appeal to members of the public and

that the booklet will be a useful addition to school and technical college libraries. There are four main sections:

1. General information regarding the county and the system of local government.

2. Local government services in Derbyshire in which financial information relating to the county and district councils is combined.

3. County council finance.

4. Borough and district council finance.

We lack space to cover all the items featured: the following is a selection of matters of general interest. The county penny rate in 1955/56 is estimated to total £16,200 and rates levied to average 22*s.* 9*d.* The highest rated authority is the borough of Glossop at 25*s.* 10*d.* and the lowest Chapel-en-le-Frith at 18*s.* 4*d.*, but on the test of general rates levied per head of population we get a different picture:

	£	*s.*	*d.*	
Chapel-en-le-Frith	13	13	0	
Glossop	7	2	0	
Ashbourne R.D.C. (rate 23*s.* 7*d.*)	4	13	10	(lowest)

Houses and bungalows built or in course of erection totalled 44,200 and in 1955/56 it is estimated that 40 *per cent.* of the annual cost, equivalent to £1,063,000 will fall on ratepayers and taxpayers. The borough of Chesterfield continues its policy of charging a good deal more than the statutory contribution to the ratepayers. The subjoined table makes an interesting comparison:

Authority	*No. of houses built at* 31.3.55	*Rents paid by tenants* £	*Ratepayers' contribution* *Statutory* £	*Additional* £
Chesterfield Borough ..	4,742	163,100	26,300	26,100
Chesterfield R.D.C. ..	5,367	214,300	38,200	Nil

Housing has assumed increasing importance in county district affairs and, as Mr. Watson says, " The financing of these schemes has been one of the major problems of chief financial officers of county districts in order to limit the charge for housing to the rates. It must be realized that with the reduced rates of subsidies from April 1, 1955, they are still equivalent to almost 11*s.* 4*d.* per house per week. Even with a subsidy at this level rents remain high, and many local authorities are endeavouring to achieve economies by changes in house design and layout. Nevertheless, it would be a great relief if building costs showed a tendency to decline." And so say all of us!

LOCAL CO-ORDINATION OF THE HEALTH SERVICE

The current issue of the County Councils Association *Official Gazette* contains a report of a conference which was arranged by the Wiltshire county council on this subject and which we think might be usefully copied in other areas. The conference differed from most of the other meetings and discussions on the National Health Service in being intended for professional and other field workers rather than for members and senior administrators of the controlling bodies, although some members were also present. The object was to combine discussion of matters of mutual interest with pleasant social contact between health service workers who might otherwise know each other only through correspondence or on the telephone. Group discussion was adopted as the main method of exchanging views but at a preliminary session of all the delegates an address was given by Dame Enid Russel-Smith, D.B.E., under-secretary of the Ministry of Health, who stressed the importance of caring for patients in their own homes rather than in hospital when this was possible, the role of the family doctor in preventive health, and the need for the domiciliary health and welfare services to pull together to provide adequate personal help for the patients of general practitioners. A considerable amount of detail was covered in 12 separate group discussions, leading up to a final session at which the chairman of each group was given an opportunity to report on the proceedings and conclusions of the group. In this way no less than 35 specific points were debated. Amongst the matters which emerged were a plea for the greater use of voluntary services in hospitals, the provision of clubs for psychiatric patients in the larger centres, and the need for smaller local conferences.

A LITTLE LEARNING ON A DANGEROUS THING

Under this heading there is a note in the current issue of the *Official Gazette* of the County Councils Association. It is pointed out that the purpose of the provisional driving licence is to enable a person to learn to drive a motor vehicle with a view to passing a test. Sometimes, however, the practice is abused as according to information given to the association no less than 15 provisional licences have been issued to the same person in three and a half years; 18 in five years; and 23 in seven years. In one case the driver is said to have held not less than 32 provisional licences. No doubt similar and perhaps even more striking examples could be given. Although no detailed statistics are available it seems possible that abuse of provisional licences has been greatest on the part of motor cyclists and it is suggested in the *Gazette* that it is high time that this matter was put on a more satisfactory basis. Under the Road Traffic Bill now before Parliament a local licensing authority may refuse a provisional driving licence to anyone who has held such a licence within the preceding 12 months and two or more such licences within the preceding three years unless he has applied for a driving test to be taken within six months and either took such a test during the currency of his last provisional licence or can show reasonable cause for not having done so. We agree with the editor of the *Gazette* in hoping that if and when this provision becomes law it will end a state of affairs which has given rise to much public dissatisfaction and justifiable criticism.

CORRESPONDENCE

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

With reference to the paragraphs on " Tooth-mark evidence " at pp. 405-6 of the current " J.P.," several cases are recorded of such impressions in cheese, and also in fruit, and butter.

Some years ago I was concerned with the investigation of a murder at Tunbridge Wells where vital evidence was supplied by bite-marks on the victim's breast (*R.* v. *Gorringe*).

A brief account appears at p. 231 of the *British Dental Journal* dated November 6, 1951, which also deals with many other aspects of dental evidence.

Yours faithfully,
F. H. SMEED,
Chief Constable.

Police Headquarters,
Civic Centre,
Newport, Mon.

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

STYLE OF MAYORS

Your correspondent, my friend the town clerk of Peterborough, heads his letter, " Style of Mayors of Cities." He might have added " and Boroughs which are not Cities," because from time immemorial the Mayor of Richmond in Yorkshire has been referred to as " Right Worshipful."

I can find no statutory or other authority for the use of this exalted prefix in describing or announcing the mayor, and the practice has been discontinued. It did occur to me that the prefix may have been used or adopted to distinguish the Mother of the Richmonds everywhere from " the other Richmond in the Field "—our name-sake and good friends in Surrey.

Yours faithfully,
DAVID BROOKS,
Town Clerk.

Corporation Offices,
Richmond,
Yorkshire.

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

NEW TRAFFIC IN OLD BOTTLE-NECKS

I was interested in your suggestion on p. 294, *ante*, that there was a need for new powers for compulsorily diverting or restricting motor traffic in certain towns. In addition to Oxford, Chester and Shrewsbury, it may be that you had in mind the town where your own offices are. I have for a long time been of opinion that this is the only solution which is compatible with the retention of the character of such towns.

I believe that this is the solution which has been adopted in the town of St. Peter Port in Guernsey. I believe that no vehicles are allowed during the day-time into the main street of this town except such as are specially licensed. In my experience the town is certainly a pleasant place to shop in, because pedestrians appear to have it all their own way, with occasional vehicles humbly nudging their way around them. Car parks are provided around the mediaeval town within a few hundred yards of the centre

It would be interesting to know whether there are any other precedents for your suggestion.

Yours faithfully,

T. BEAUMONT.

County Hall,
Chichester.

The Editor,
Justice of the Peace and
Local Government Review.

DEAR SIR,

I refer to your Note of the Week at p. 341, *ante*. I do not seek to defend the newspapers that you criticize; I know nothing of the case to which you allude. But I would like to put two points about the publication of names and other details in the reports of juvenile court proceedings which have frequently occurred, to a magistrate who also happens to be a journalist.

The first may be illustrated by a case on which I sat. Three or four boys had caught hold of a young girl on a local playground, carried her off to some bushes in a corner, and there sexually interfered with her. The case was reported without any identifying details. As soon as it had been reported I was approached by someone who knew I had sat on the case with the request that I tell him which playground was involved. He wanted to know whether it was the playground to which his own young daughter was accustomed to resort. In such a case as that, I submit, the press would perform a public service in reporting such details. But newspapers are generally so anxious to avoid publishing anything that may remotely identify the defendants that they omit them, and by their very vagueness may do more harm than good.

The other point concerns persistent offenders—or persistently offending families. It is my experience, and no doubt the experience of other juvenile court justices, that we have a number of "regular clients." When one child is sent away, his younger brothers and sisters come before us in melancholy procession. Not infrequently they bring with them other youngsters who have been led astray by getting into their company. The latter might never have got into trouble if the names of the "regular" families had become known through frequent appearances in the court reports. Their parents might have been expected to see to it that they did not consort with companions known to be undesirable.

In these matters of publicity the court has discretion, of course. It is not easy to know where to draw the line. But I would suggest that right at the beginning is not always the best place.

Yours faithfully,

MEREDITH WHITTAKER.

Mercury Offices,
Scarborough, Yorks.

REVIEWS

Topham's Company Law. Twelfth Edition. By John Montgomerie and Sefton D. Temkin. London: Butterworth & Co. (Publishers) Ltd. Shaw & Sons, Ltd. Price 17s. 6d. net.

For many years *Topham* has been the regular means of introducing law students (and young practitioners) to company law. The eleventh edition came out as soon as possible after the Acts of 1947 and 1948. By the first of these, the law of companies was drastically altered in consequence of recommendations of Lord Cohen's committee, and by the second was almost entirely repealed, and re-enacted in consolidated form. There was thus a good deal of uncertainty in 1948, about how the new law would work; practitioners in the Chancery Division had scarcely had time to find their way about the Act of 1948, which did not alter but restated the former statute law in different shape.

It has, therefore, been found necessary in the present edition of *Topham* to rearrange and rewrite some parts of what occurred in its predecessor, as well as to bring it up to date by reference to new enactments and decisions. The learned editors have also altered the balance in some slight degree, so as to make it more acceptable to students of accountancy and secretarial practice, as well as to the law student for whom it was originally designed. This has not meant any weakening of the book from the point of view of the law tutor; on the contrary, it will help him to make his students realize that practical points need attention, in this branch of law even more than in some others. In speaking of the law of companies one almost unconsciously thinks of public companies; the learned editors have attempted to counteract this tendency by expanding the part of the book which deals with private companies, which are so much more numerous. There is a chapter upon Scottish law by Professor David Walker, and a new glossary of legal terms which will be helpful to many law students as well as to those studying company law for the purpose of using their knowledge in other professions.

The work does not, of course, attempt to go into great detail either about company law or about company business; for that very reason, it is all the more clear. Although it runs out only to some 500 pages, including the formal parts, it contains a complete exposition of the primary principles, and will suffice to acquaint the student with the different types of company, and the way in which their capital can be created, and how their business is conducted and their winding-up concluded. Such mysteries as the difference between shares and stock, the meaning of issuing capital at a premium, with the mysterious thing called a share premium account, will be found very clearly dealt with; in fact, there is no topic likely to come within the student's purview upon which he will fail to find here the information that he needs. The fundamental rules are illustrated by very brief summaries of cases, conveniently embodied in the text, and a feature which specially appeals to us is that the table of cases at the beginning of the book gives all references. We have spoken of this many times before, and we know that some experienced tutors do not agree with us, but we remain convinced that the student, even more than the qualified man (who knows where to find alternative reports) needs this encouragement to diligence.

The Police and Crime Detection Today. By Reginald Morrish. Second Edition. London: Oxford University Press, Amen House, Warwick Square, E.C.4. Price 12s. 6d. net.

Mr. Morrish was a chief inspector in the metropolitan police, and his career included experience in both the uniformed and detective branches, and a period as instructor at the police college. To his experience he added much study, and although he modestly disclaims expert knowledge as a scientist it is clear that he has learned much about those branches of science that most affect police work. This book is a solid achievement and will prove of great value to all those who are engaged in the investigation of crime, while at the same time it will appeal to the large number of ordinary people who are interested in the subject. It is pleasantly written and admirably illustrated.

The first half of the book, or thereabouts, is mainly concerned with the policeman's role in the detection of crime and in the identification of the criminal. The rest of the book deals with science and the scientists as aids in this work. Mr. Morrish found his life in the police of absorbing interest, and he considers it a good career for a young man who is prepared to work hard, often for long hours. The detective needs to acquire knowledge of many subjects besides law, and he must be prepared to persevere.

There is good practical advice on the way in which police should conduct interrogations and take statements from witnesses, how to give and how to call evidence, and on the way in which the rules of evidence are to be observed.

Dealing with science, Mr. Morrish points out that it is not a short cut in the sphere of investigation; science and scientific evidence are invaluable in aiding the work of detection, but they do not supplant the ordinary methods of inquiry or the evidence of witnesses. Particles of dust, flower seeds, stains of blood or paint may be of the greatest assistance in pointing the way in which the investigation should go. They may often lead to the arrest of the right man, but proof of his guilt is still a matter of evidence according to the strict rules. Sometimes the field of inquiry can be narrowed by the help of a scientist who can state with almost certainty the locality from which earth and other substances must have come.

A remarkable instance is given in which blood on a bootlace led to the detection and conviction of a murderer whose boots had been washed after the crime so that no blood was found on the boots themselves.

The value of ultra-violet rays in revealing what is invisible to the eye is well known, and this is explained simply and clearly.

Mr. Morrish in this second edition brings up to date a book which is as fascinating as it is instructive.

Mental Health Services. By F. B. Matthews. London: Shaw & Sons, Ltd. Price 57s. 6d.

This is the second edition of a handbook which first appeared when the National Health Service Act, 1946, was coming into operation. At that time it was widely thought that the statutes dealing with lunacy and mental deficiency, substantially affected as they were in operation by the Act of 1946, would be recast as soon as Parliamentary time became available. This, however, has not happened; a Royal Commission to examine the working of those Acts was set up in 1954, and it must therefore be some time before fresh comprehensive legislation can be carried through. In this situation the authors and publishers have wisely decided to bring the present handbook up to date, since in the interval since the Act of 1946 there have been changes—not fundamental but in various administrative details.

For officials and others who have not previously had much experience of this side of public administration, the most valuable portion of the book may perhaps be the introductory matter. This gives an excellent account of the prerogative powers of the Crown in regard to lunatics and idiots, and the gradual stages by which Parliament has come to interest itself in these persons, and in others who (in a broad sense) are similarly afflicted. After this introductory matter, the statutory provisions now existing are set out and briefly annotated. Among them particular attention may be drawn to the relevant provisions of the Criminal Justice Act, 1948, and the Magistrates' Courts Act, 1952. The Mental Treatment Rules, 1948, and various other statutory instruments then follow. For those of our readers who are concerned in any way with the administration of these services, this new edition of a useful handbook will be worth obtaining.

THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

CLUBS

At question time in the Commons, Mr. W. S. Shepherd (Cheadle) asked the Secretary of State for the Home Department whether he was aware that under the existing law persons of dubious character can open clubs; and when he intended to take steps to remove that and other defects in the regulations relating to clubs.

The Secretary of State for the Home Department, Major Lloyd-George, replied that he had no power to make regulations about clubs and he could not hold out any early prospect of legislation on that difficult and controversial subject.

Mr. Shepherd: "While this subject may be difficult and may contain some element of controversy, surely my right hon. and gallant Friend realizes the urgent need to do something about the present situation. Surely there has been enough delayed action already."

Major Lloyd-George: "That may be so, but my hon. Friend's description of this matter as one of some controversy is a triumph of under-statement. I should have thought that this was one of the most controversial subjects one could possibly get. There are also difficulties. One of them is that it is hard to devise restrictions which would be effective against bogus clubs without affecting the vast majority of respectable clubs. I can only repeat that it is a very difficult and controversial subject, and I cannot hold out any prospect of early legislation."

HOOLIGANISM IN LONDON

Mr. Shepherd asked the Secretary of State what progress was being made in the breaking-up of the gangs of young hooligans in the metropolitan area.

Major Lloyd George replied that the Commissioner of Police of the metropolis was taking all possible steps to deal with hooliganism by gangs of youths. There had been in the last 18 months an increase in the number of youths arrested in the metropolitan police district for non-indictable offences amounting to hooliganism, but the Commissioner thought that increase was due more to an intensification of the attention which the police had been giving to that problem than to any appreciable increase in hooliganism.

PENAL REFORM

Mr. John Hall (Wycombe) asked the Secretary of State whether he had now considered the proposals submitted to him by the Howard League for Penal Reform on June 14, 1955; and if he would make a statement.

Major Lloyd-George replied that he agreed with the Howard League that it would be of benefit if satisfactory alternative methods could be found in a proportion of the cases which were now dealt with by short-term prison sentences, but he did not think that to set up a departmental committee would be the most satisfactory approach. He proposed to ask the Advisory Council on the Treatment of Offenders to make a general survey of the problem, and he had asked the Howard League for any detailed suggestions which they might care to put before him.

Mr. Hall asked whether, should the Advisory Council find that there was no acceptable suggestion advanced by the Howard League, he would consider setting up a departmental committee to consider the proposal in more detail.

Major Lloyd-George said that a broad survey by the Advisory Council might show that there were forms of treatment which would repay close examination by a departmental committee, and he would consider that possibility.

MINOR OFFENCES

The Secretary of State told questioners that he was considering the Report of the Departmental Committee on the Summary Trial of Minor Offences, but he was not yet in a position to make a statement.

Mr. H. Hynd (Accrington) asked if he would consider it as a matter of urgency, in view of the large amount of time occupied by police in magistrates' courts when they might be better occupied elsewhere.

Major Lloyd-George replied that he shared the committee's view on the need to prevent waste of time. He would do everything he could to speed up consideration of the report.

Mr. B. Janner (Leicester, N.W.) asked the Secretary of State to pay very close attention to the question of safeguarding people from pleading guilty when they were not quite sure what was the offence alleged against them.

Major Lloyd-George said he was looking into the whole matter and would study the committee's recommendations very carefully. He pointed out that legislation would be necessary.

EXECUTIONS AND THE DEATH PENALTY

Mr. Shepherd and Mr. E. Fletcher (Islington, E.) asked the Secretary of State if he would take steps to end the practice of posting notices regarding executions on prison gates.

Major Lloyd-George replied that the posting of those notices was required by law, but the point had been noted for amending legislation. In reply to supplementary questions, he said he would introduce legislation as soon as he could.

In reply to other questions, the Secretary of State said that during the 30 years 1925 to 1954, 677 men and 60 women were sentenced to death in England and Wales. Of these, 20 men and one woman were convicted of treason or treachery between 1939 and 1946. The convictions of 18 men and two women were quashed or varied on appeal. One man died immediately after being convicted. Thirty-six men and two women were respited and removed to Broadmoor Institution, 247 men and 49 women were reprieved and had their sentences commuted to imprisonment or penal servitude for life. Three hundred and seventy-five men and seven women were executed.

Mr. V. Yates (Ladywood): "In view, especially, of the large number of women who have been reprieved during this period, could the Home Secretary say whether there has ever been any loss of public confidence, or whether the Home Secretary has had cause to regret the number of reprieves that have been made? Having regard to the disparity between the numbers of men and of women, would he not consider a greater exercise of the recommending of reprieves?"

Major Lloyd-George: "Every case must be decided on its merits. I have gone personally with some great care into the cases of the 49 women who were reprieved. In an overwhelming number of the cases, there were strong recommendations to mercy by the jury, strongly supported by the trial judge."

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Tuesday, July 19

MISCELLANEOUS FINANCIAL PROVISIONS BILL, read 2a.

Wednesday, July 20

CRIMINAL JUSTICE ADMINISTRATION BILL, read 3a.

COUNTY COURTS BILL, read 2a.

Thursday, July 21

RATING AND VALUATION (MISCELLANEOUS PROVISIONS) BILL, read 3a.

HOUSE OF COMMONS

Friday, July 22

VALIDATION OF ELECTIONS BILL, read 2a.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Criminal Law—*Incest—Boy aged* 13, *sister aged* 17.

A boy of 13 years has carnal knowledge of his sister aged 17 years, with her consent. Does the boy commit any offence? Does the girl commit any offence? Is any offence committed at all?

SEBISKE I.

Answer.

A boy under 14 is conclusively presumed to be incapable of sexual intercourse, and therefore could not be convicted of incest. As the girl was over 16 and consented there was no indecent assault and we do not think the boy could be charged with a criminal offence.

As to the girl, it is impossible to say with certainty whether she committed an offence, but it seems quite likely that the evidence might disclose indecent assault on her part, the boy's consent being no defence because of his age.

2.—Criminal Law—*Wounding—Summary trial—Conviction for common assault.*

A is charged with unlawfully and maliciously wounding under s. 20, Offences against the Person Act, 1861, and elects to be tried summarily. Can the justices in such circumstances convict of common assault?—*see* note (*b*) to s. 18, *Stone's Justices' Manual*, p. 1733. Had A elected to go for trial and been proceeded against by way of indictment it appears that quarter sessions could have convicted of common assault, but as A elected summary trial and was consequently not proceeded against by way of indictment it appears that the justices could not convict the accused of common assault.

TENKU.

Answer.

We agree that, the proceedings having become summary, the magistrates' court cannot convict of an offence different from the one charged, *Martin* v. *Pridgeon* (1859) 23 J.P. 630. It would be necessary to prefer a fresh charge.

3.—Landlord and Tenant—*Tenant's whereabouts unknown—Service of notice to quit.*

The facts of the problem are as follows:

1. The tenant of a dwelling-house owned by a public authority has fallen into arrear in his payment of rent. His present whereabouts are unknown. He and his wife are the only persons normally living in the house and they departed before Christmas with the intention (so far as inquiries go) of returning after the holiday.

2. All attempts to trace the tenant have failed and no rent is being paid. There is furniture in the house and letters and newspapers continue to be delivered. The landlords wish to recover possession. The only condition of tenancy regulating the notice states that notice is to be served on the tenant. The premises are not controlled by the Rent Acts. The requirements of s. 54 of the Landlord and Tenant Act, 1954, have not yet been fulfilled.

Please advise:

1. Whether any way of effecting service of notice can be suggested. There is no reason to think that a notice posted on the door would come to the tenant's knowledge.

2. Whether any course can be suggested to regain possession other than by forcible re-entry and accepting the risk of indictment under the statute.

CAWLEY.

Answer

We cannot offer any better suggestion. We would serve notice to quit by registered post (which may come back since there will be nobody to sign for it) and also by ordinary post or by hand—not as having any legal significance but simply as proof (if necessary) that the landlords have done their best.

4.—Licensing—*Inspection of licensed premises by licensing justices.*

The justices of my division intend to inspect all the licensed houses during the summer and I have been asked to give them a ruling as to whether or not they have a right to inspect the whole of the building including the licensee's living accommodation, or merely those parts used by the public and for the storage and service of liquor. Does it make any difference whether or not the licensee also supplies food for customers cooked or prepared in his private kitchen?

Obviously the justices would be entitled to inspect the private quarters at the invitation of the licensee and if they ask to be shown them no licensee would in fact refuse.

The point is however of importance in considering the framing of the justices' recommendations to the landlords (the brewers) resulting from the inspection.

NEHO.

Answer.

It is good practice for licensing justices to carry out inspections of licensed premises; for without such visits they cannot have the first-hand acquaintance with the licensed premises in their area which the proper performance of their duties requires. But they are wise, in our opinion, to recognize the limits of their functions; to remember that they have no statutory powers of inspection; to avoid stepping into the dust of the arena and assuming the position of accuser in a matter in which they may thereafter be called upon to act as judge.

They have a general power to refuse renewal on the ground that the premises are structurally deficient or structurally unsuitable, and they have a power under s. 12 (1) of the Licensing Act, 1953, to require by order that "such structural alterations shall be made in the part of the premises where intoxicating liquor is consumed as they think reasonably necessary to secure the proper conduct of the business"—but their statutory powers seem to be no larger than this.

The provision of sanitary conveniences is the concern of the local authority under s. 89 of the Public Health Act, 1936, and the suitability and cleanliness of kitchens, etc., is the concern of the local authority under s. 13 of the Food and Drugs Act, 1938.

Subject to the foregoing, they may inform themselves by inspection of every part of the licensed premises, being restrained only by good manners from inspecting the licence holder's living accommodation if the licence holder exhibits a reluctance in allowing them to do so.

5.—Licensing—*Fees—Whether any part of fee payable to police.*

I should be glad of your opinion as to the allocation of fees under the Licensing Act, 1953, s. 51, sch. 6. The total fees chargeable remain unaltered but under the 1910 Act, s. 45 (1) the various items were enumerated but there is no similar provision in the 1953 Act. My own opinion is that the allocation should remain the same, namely, that 1*s.* should be allocated to the police fees, inasmuch as the police still serve the notices of renewals.

OURNA.

Answer.

In our opinion, the absence of any provision in the Licensing Act, 1953, which entitles the police to receive any part of the fee chargeable on the renewal of a licence, produces the situation that the fees collected by virtue of sch. 6 to the Act are payable in full to the Secretary of State in accordance with s. 27 of the Justices of the Peace Act, 1949.

6.—Licensing—*"Old" beerhouse licence surrendered on grant of new publican's licence—Surrendered licence no longer enjoys privileges of "old" on-licence.*

It is perfectly clear that the licensing justices may refer an old "on" (beerhouse) licence for compensation if the licence was in force before 1904, but, in recent years, owners of the old "on" (beerhouse) licences have been granted by the licensing justices full licences, that is, licences to sell wines and spirits in addition to beer.

On the grant of the full licence, I would be grateful if you would answer me the following queries:

1. Does the grant of a full licence mean that the premises are now subject to a new licence and no longer come within the definition of of an old "on" licence?

2. If the premises are now considered to be newly licensed premises, are they no longer subject to compensation by the justices if the justices decide to refer the licence on the grounds of redundancy?

NERBO.

Answer.

The new publicans' licences have been granted by the licensing justices under the provisions of s. 7 of the Licensing Act, 1953 (re-enacting s. 73 of the Finance Act, 1947). This section enables licensing justices to accept the surrender of a current on-licence against the grant of a new on-licence, with a set-off in monopoly value for the licence surrendered against the monopoly value assessed as appropriate for the new on-licence. Thus, in the case in point, the "old" beerhouse licence being surrendered, it entirely ceases to be, and it is replaced completely by the new publican's licence.

Therefore:

1. Yes.

2. This is so.

7.—Lotteries—*Numbered programme entitling to prize—Point-to-point races.*

A local hunt propose at the annual point-to-point to number the race cards and to give a cash prize for a number which is to be drawn

at the meeting, the object being to increase the sale of race cards and assist the hunt finances.

No charge is made to the public for admission except that the usual charge for motor vehicles is made. May I have your valued opinion as to whether the proposal would constitute a lottery or whether it would come within the exemption given under s. 23 of the Act, and will it, in your opinion, make any difference if the sale of race cards did not take place outside the limits of the course. S. SILVANUS.

Answer.

By s. 23 (2) (*b*) cash prizes are prohibited, so as to exclude exemption. Further, we do not think a point-to-point meeting can reasonably be considered to be an entertainment similar in character to a bazaar, sale of work, or fête. Therefore we think this would be an unlawful lottery.

8.—Magistrates—*Practice and procedure*—"*Second or subsequent conviction*"—*Second offence committed before conviction for first.*

I have recently had to consider the meaning of the words "second or subsequent conviction," which occur in various sections of the Road Traffic Act, 1930, *e.g.*, s. 11, and my attention has been drawn to P.P 7 at 118 J.P.N. 255. In this you state that where a motorist is charged with an offence and bailed to appear at a later court, and in the meanwhile is convicted of a similar offence committed on bail, the latter is not a previous conviction.

There is authority for saying that where a statute says "convicted of a second or any subsequent offence" then the previous offence must have been committed and found proved before the commission of the later offence, otherwise increased penalties cannot be applied: *R.* v. *South Shields Licensing JJ., ex parte Morrison* (1911) 75 J.P. 299.

In the Road Traffic Acts, however, the phrase is "second or subsequent conviction" and surely the only material matter here is the date of the conviction. In other words, it can be contended that the change of the wording is not mere ellipsis but that the whole sense is altered.

So far as I know the point has never been decided, and I should be very much obliged if you could let me have your comments, and the name of any case under the Road Traffic Acts which may have dealt with this point. JARTO.

Answer.

In *R.* v. *South Shields Licensing JJ., supra*, the court held that "second or subsequent offences meant second or subsequent offences after a person has been convicted in respect of one or more offences under the section." We think that the same reasoning must be applied in interpreting "second or subsequent conviction," *i.e.*, that it means conviction of an offence committed after a previous conviction. So far as we are aware this has always been accepted as the correct interpretation. We note that *Stone*, 1954 edn., p. 2099, note (*o*) takes this view. We can find no case on this point under the Road Traffic Acts.

9.—Mental Deficiency—*Order under s.* 8 (3) *of Act for detention in place of safety—Whose duty to convey person.*

A magistrates' court has made an order under s. 8, subs. (3) of the Mental Deficiency Act, 1913, that a defendant, who has been found guilty of a summary offence, be detained in *a place of safety* for such time as is required for the presentation of a petition to a judicial authority under the Act with a view to obtaining an order that he be sent to an institution or placed under guardianship.

The Act is silent as to who shall be responsible for conveying the defendant from court to the place of safety; neither does the form of detention order prescribed in the schedule to the Mental Deficiency Regulations, 1948, give any guidance.

Your opinion will be appreciated as to who is responsible for conveying the defendant to the place of safety:

1. Is it the police authority which brought the proceedings against the defendant; or
2. Is it the local authority; or
3. Can it be either of the above authorities, or any other person ordered by the court to convey the defendant? S.N.C.M.

Answer.

By para. 11 of the regulations the duty is laid upon the local health authority when a defective is ordered to be sent to an institution, but conveyance to a place of safety is not mentioned. We think therefore the duty is not upon the local authority. The court has postponed sentence so perhaps it is not unreasonable to compare the order with a remand and to regard the duty of conveyance as that of the police.

10.—Road Traffic Acts—*Dangerous driving—No charge of "drunk in charge"—Admissibility of evidence that the driver had been drinking.*

In a recent accident the driver of a motor car involved received injuries which necessitated his removal to an infirmary for medical attention. His injuries were not serious and he was not detained. On arrival at the scene, the constable saw the driver in an ambulance about to be conveyed to the infirmary. The driver smelled strongly of drink, his rambling conversation indicated he had taken a considerable amount of drink and the general circumstances and manner of his driving indicated he was affected by drink. Statements of witnesses and the doctor from whom he received attention all indicated he was under the influence of drink to such an extent that he was not fit to drive a motor car, but owing to the possibility of shock following the accident it was not considered the circumstances justified action under s. 15, Road Traffic Act, 1930.

Proceedings were taken for dangerous driving and driving without due care and attention. The summons for dangerous driving charged the full offence, *i.e., having regard to all the circumstances.*

I should be obliged if you could express an opinion whether or not the evidence indicating the defendant's driving was affected by the drink he had taken can be admitted on the dangerous driving charge, and if there is any stated case on this point.

J. "GILLIE."

Answer.

We have dealt before with a very similar question. Our opinion is that the prosecution must either take the view that their evidence justifies them in alleging that the driver was so far affected by drink as to be incapable of having proper control of the vehicle (which means that they bring a charge under s. 15) or they must not seek to rely on the evidence that the driver had had some drink.

If they do not allege inability, by reason of drink, to have proper control we do not see how the evidence that the driver had had some drink is relevant to the manner of his driving, and it is certainly highly prejudicial because it seems to be an invitation to the court to guess, or assume (without evidence on the point) that there is a possibility that he may not have had proper control. We know of no case on the point.

On the facts stated we should have thought that the prosecution might well have considered themselves justified in preferring a charge under s. 15, leaving the accused, if he wishes, to raise the defence that his condition was due to shock and not to drink.

11.—Road Traffic Acts—*Provisional licence—Motor cycle—"Sidecar" adapted so as not to be capable of carrying a passenger—Need for supervision.*

A learner driver has been summoned under reg. 16 (3) (*a*) of the Motor Vehicles (Driving Licences) Regulations, 1950, for using a motor cycle combination which, it is alleged by the prosecution, has a sidecar attached which is constructed for the carriage of a passenger, and that therefore as a learner driver he was not properly supervised and an offence has been committed under the regulation. It is agreed that at the time of the alleged offence the sidecar, which had originally been constructed for the carriage of a passenger, had the passenger seat removed, and was fitted with a wooden cover over the cockpit, which could be removed with a screwdriver with a few minutes' effort. The defendant asserts that he would not be guilty if the sidecar were merely a tradesman's box, and that what he has done is to convert his passenger sidecar into a box, or non-passenger carrying type, his object being to secure a reduction in insurance, and to provide greater stability whilst learning. The proviso of reg. 16 (3) (*a*) stipulates that "for the purpose of this sub-paragraph a motor bicycle shall not be deemed to be constructed or adapted to carry more than one person unless it has a sidecar constructed for the carriage of a passenger attached." It would appear that for taxation purposes a box sidecar and a passenger sidecar are treated alike as to the amount payable and as to the description on the licence, and a change of use from one to the other, therefore, would require no notification to the motor taxation authority.

Reference has been made to *Hubbard* v. *Messenger* [1937] 4 All E.R. 48 and *Blenkin* v. *Bell* [1952] 1 All E.R. 158; 116 J.P. 317, and they do not appear to be directly in point, but it seems that an inference might be drawn from the first named case, that because the sidecar in question was constructed for the carriage of a passenger, unless it has completely lost that use, it would still be a sidecar "constructed for that purpose." The case has been adjourned for further consideration, and I shall be glad if you will kindly advise me of any authorities there may be on this point, and in particular whether a sidecar temporarily modified so as to render it incapable of carrying a passenger, but easily reconverted by the use of a simple tool (in this case a screwdriver) can be said to be of the type permitted by the regulations.

JANCH.

Answer.

We think that *Keeble* v. *Miller* [1950] 1 All E.R. 261; 114 J.P. 143, is relevant in this case and would justify saying that "constructed" in reg. 16 (3) (*a*), *supra*, can be interpreted to mean "constructed at the material time."

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NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note :* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

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Appointment of Full-time Male Probation Officer

APPLICATIONS are invited for the appointment of a full-time male Probation Officer for the City of Birmingham.

The appointment and salary will be in accordance with the Probation Rules, 1949 to 1955. Candidates must not be less than 23 years nor more than 40 years of age, except in the case of a serving officer.

The post is superannuable and the selected candidate will be required to pass a medical examination.

Applications (in own handwriting), giving age, present position, general qualifications and experience, should be sent with copies of two recent testimonials to be received by the undersigned not later than August 15, 1955.

T. M. ELIAS,
Secretary to the Probation Committee.

Victoria Law Courts,
Birmingham, 4.

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ASSISTANT, in Legal Section of Town Clerk's Department required, A.P.T. II (£590—£670). Experience in general municipal legal work, including conveyancing, desirable. Particulars and application form from Town Clerk, Town Hall, Battersea, S.W.11. Closing date August 15.

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Amended Advertisement

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Applications, with three referees or copy testimonials, and stating holiday dates, to the undersigned before August 20, 1955.

W. H. J. BROWNE,
Town Clerk.

Whitehaven.

BOROUGH OF WANSTEAD AND WOODFORD

Assistant Solicitor

APPLICATIONS are invited for this appointment in A.P.T. VI (£825 × £35 — £1,000, plus £30 per annum). Local Government experience is desirable, but an otherwise suitable candidate in general practice with some experience in advocacy would be equally considered.

Applications, with details of admission, qualifications and experience, and names of two referees, should reach me by August 11, 1955.

A. McCARLIE FINDLAY,
Town Clerk.

Municipal Offices,
High Road,
Woodford, E. 18.

Amended Advertisement

BOROUGH OF MAIDENHEAD

Deputy Town Clerk

APPLICATIONS are invited for this post from Solicitors with municipal experience. Salary £1,010 × £35—£1,150 per annum.

Applications, stating age, qualifications and experience, together with the names of two persons to whom reference can be made, should be sent to me not later than August 5, 1955.

Persons who replied to the original advertisement need not submit a further application.

STANLEY PLATT,
Town Clerk.

Guildhall,
Maidenhead.

METROPOLITAN BOROUGH OF BATTERSEA

Appointment of Town Clerk

APPLICATIONS are invited for this appointment, which will become vacant on November 1, 1955, from persons with or without a legal qualification.

The salary (£2,450—£2,700) and conditions of service will be in accordance with the recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks.

The appointment will be subject to the Local Government Superannuation Acts, 1937/53, to passing a medical examination, and to three months' notice on either side. Further particulars may be obtained from the undersigned.

Applications, stating age, qualifications, present appointment and salary, previous appointments and experience, together with copies of three recent testimonials, must be received by August 26.

Canvassing will disqualify.

R. G. BERRY,
Town Clerk.

Town Hall,
Battersea, S.W.11.

Second Advertisement

BOROUGH OF TOTTENHAM

Appointment of Assistant Solicitor

APPLICATIONS are invited for the appointment of Assistant Solicitor. Salary £780 per annum rising to £930 per annum. N.J.C. conditions. Applications, stating age, present appointment, date of admission, and names of two referees, to reach Town Clerk, N.15, by noon on Saturday, August 6, 1955. Applications accepted from gentlemen awaiting result of Final Examination of Law Society.

COUNTY OF DEVON

Devon Magistrates' Courts Committee

Appointment of Justices' Clerk

Justices of the Peace Act, 1949

APPLICATIONS are invited from Barristers or Solicitors qualified in accordance with the above Act for a whole-time appointment of Clerk to the Justices for a combined area consisting of the Borough of Barnstaple and the Petty Sessional Divisions of Bideford, Braunton and Great Torrington, with a central office at Barnstaple and periodical attendance at the other towns previously mentioned. The Division of Holsworthy will be added to the area in April, 1956.

The Committee may decide at any time to alter the area which the Clerk will be required to cover.

The Clerk will be required to take up his duties on or about December 1, 1955. The combined area has a population of approximately 88,000. The salary will be £1,650—£1,900, in accordance with the scale now in force concerning Justices' Clerks' salaries. Travelling and other expenses will be paid. The appointment will be permanent and superannuable and will be terminable by three months' notice on either side. Applications, giving full particulars of qualifications and experience, and names of two referees, should be forwarded to me not later than September 3, 1955.

H. G. GODSALL,
Clerk of the Committee.

The Castle, Exeter.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*Contd.*)

COUNTY BOROUGH OF NEWPORT

Vacancies For Two Assistant Solicitors Scale £690—£900

THE starting point on the scale will depend on candidate's experience and potential ability. Applications from candidates awaiting result of recent Law Society Final Examination would be welcomed. Form of application obtainable from the Town Clerk, Civic Centre, Newport, Mon., returnable by Monday, August 15, 1955.

METROPOLITAN BOROUGH OF ST. MARYLEBONE

SECOND Assistant Solicitor required. Salary £690 × £30—£900 (" Special Classes " of National Scales commencing at £780 if the person appointed has had not less than two years' legal experience from the date of admission). Appointment subject to National Scheme of Conditions of Service, medical examination and Council's Superannuation Scheme.

Applications, stating age, qualifications, full details of experience and positions held, together with names of three referees, to Establishment Officer, Town Hall, St. Marylebone, W.1, within 14 days of publication. Canvassing disqualifies. Housing accommodation cannot be provided.

BOROUGH OF ROMFORD

Deputy Town Clerk

APPLICATIONS are invited from Solicitors with Local Government experience for the above appointment.

The appointment is subject to the Conditions of Service recommended by the Joint Negotiating Committee for certain Chief and other Officers occupying posts at salaries exceeding £1,000 per annum, and the salary payable will be within the range of Scales 'D' and 'E' fixed by that Committee, *i.e.*, £1,307 10s. × £52 10s.—£1,622 10s. per annum.

The appointment is subject to the provisions of the Local Government Superannuation Acts, 1937-1953, and the successful applicant will be required to pass a medical examination.

Applications, on forms which can be obtained from the Town Clerk, Town Hall, Romford, should be returned to him not later than August 13, 1955.

HOME OFFICE

Children's Department Inspectorate

THE Civil Service Commissioners invite applications for at least eight pensionable posts as Inspectors Grade II in England and Wales.

Duties include inspection of arrangements for boarding out children with foster parents; children's homes and nurseries; approved schools and remand homes. Inspectors also assist in training child-care workers.

Age at least 28 on July 1, 1955. Candidates must have wide experience of social conditions and an understanding of behaviour problems. They should normally have had practical experience of family case work and experience of residential establishments for children will be an advantage. Preference given to holders of a University degree, or an appropriate diploma or certificate, and to those who have taken other recognized training in social or educational work.

Salary scales (London) (including Extra Duty Allowance where payable)—Men £961—£1,241; Women £839—£1,121. Women's scales being improved under equal pay scheme. Promotion prospects. Particulars and application forms from Secretary, Civil Service Commission, 6 Burlington Gardens, London, W.1, quoting No. 4496/55. Application forms to be returned by August 24, 1955.

CITY AND COUNTY OF KINGSTON UPON HULL

Appointment of Whole-time Male Probation Officer

APPLICATIONS are invited for the appointment of a whole-time male Probation Officer.

Applicants, other than serving probation officers, must not be less than 23 nor more than 40 years of age.

The appointment will be subject to the Probation Rules and the salary paid will be according to the Scale so prescribed.

The successful applicant will be required to pass a medical examination and the salary will be subject to superannuation deductions.

Applications, stating age, present position, qualifications and experience, together with copies of two recent testimonials, must reach the undersigned not later than August 20, 1955.

T. A. DOUBLEDAY,
Secretary to the Probation Committee.

Law Courts,
Kingston upon Hull.

BOROUGH OF HORNSEY

Appointment of Senior Assistant Solicitor

APPLICATIONS are invited from persons with experience in local government law and administration for the above appointment at a salary within A.P.T. Grades VI and VII, *i.e.*, £825—£1,100 (plus London Weighting allowance).

Further particulars and forms of application may be obtained from the undersigned, by whom applications must be received not later than Saturday, August 27, 1955.

The Council are unable to offer housing accommodation.

H. BEDALE,
Town Clerk.

Town Hall,
Crouch End, N.8.

BOROUGH OF TODMORDEN

Appointment of Assistant Solicitor

APPLICATIONS are invited for the above appointment. Salary on National Joint Council Scale (£690—£900 per annum). Superannuable post, subject to medical examination, terminable by two calendar months' notice in writing on either side.

Scope to earn re-designation as Deputy Town Clerk in due course.

The Council will be prepared to give consideration to the provision of housing accommodation in an appropriate case.

Applications, giving age, experience and qualifications, and names of two referees, to reach the undersigned, from whom further details may be obtained, by August 15, 1955.

J. D. MOYS,
Town Clerk.

Municipal Offices,
Todmorden.
July 29, 1955.

INQUIRIES

REGISTER OF LAND AND ESTATE AGENTS, AUCTIONEERS, VALUERS, AND SURVEYORS

CHESHIRE

CHESTER.—HARPER, WEBB & CO., Chartered Surveyors, Rating Specialists, 35 White Friars, Chester. Tel. 20685.

CORNWALL

FALMOUTH.—ROWE & KNOWLES, Strand, Falmouth. Tel.: 189 and 1308.

DEVON

AXMINSTER. — ARNOLD L. BALDOCK, B.Sc., A.R.I.C.S., Chartered Surveyor, Valuer, Land Agent, Shute, Axminster. Tel. 2388.

EXETER.—RIPPON, BOSWELL & CO., F.A.I., 8 Queen Street, Exeter. Est. 1884. Tel. 59378.

EXMOUTH.—PURNELL, DANIELL & MORRELL, 7 Exeter Road. Tel. 3775. Auctioneers and Estate Agents; Surveyors and Valuers. Also at Honiton and Sidmouth.

ESSEX

ILFORD AND ALL ESSEX.—RANDALLS, Chartered Surveyors, Auctioneers, Valuers, 1 Medway Parade, Cranbrook Rd., Ilford. Est. 1884. Tel. ILFord 2201 (3 lines).

GLOUCESTERSHIRE

CIRENCESTER AND COTSWOLDS.—HOBBS & CHAMBERS, F.R.I.C.S., F.A., Market Place, Cirencester. (Tel. 62/63) and Faringdon, Berks.

HERTFORDSHIRE

BARNET & DISTRICT.—WHITE, SON & PILL, 13/15 High Street. Tel. 0086, and at New Barnet.

KENT

BECKENHAM—BROMLEY.—SUTCLIFFE, SON & PARTNERS, Estate Agents and Surveyors. The Old Cottage, Estate office, opp. Shortlands Station, Kent. Tel. RAV. 7201/6157. Also at 20 London Road, Bromley. RAV. 0185/7.

EAST KENT.—WORSFOLD & HAYWARD, offices at 3 Market Square, Dover; 11 Queen Street, Deal; 4 St. Margaret's Street, Canterbury. Established 1835.

LANCASHIRE

BARROW-IN-FURNESS, NORTH LANCASHIRE AND SOUTH CUMBERLAND.—CHARLES G. LOWDEN, Chartered Surveyor & Auctioneer. Est. 1869. 18 24 Cornwallis Street, Barrow-in-Furness. Tel. Barrow 364.

BLACKBURN & EAST LANCASHIRE.—SALISBURY & HAMER (Est. 1828). Mills and Works Valuers, Auctioneers and Estate Agents, 50 Ainsworth Street, Blackburn. Tel. 5051 and 5567.

LANCASHIRE—(*Contd.*)

LIVERPOOL & DISTRICT.—JOS. RIMMER & SON, (Charles F. Reid, Robert Hatton.) 40 Castle Street, Liverpool, 2. Tel. Central 3068. Chartered Surveyors, Chartered Auctioneers and Estate Agents.

GEO. H. EDWARDS & CO., 3 and 4 Williamson Sq., Liverpool 1. Est. 1880. Tel. Royal 2434 (2 lines).

MANCHESTER.—EDWARD RUSHTON, SON & KENYON, 12 York Street. Est. 1855. Tel. CENtral 1937. Telegrams Russoken.

LEICESTERSHIRE

LEICESTER, LEICESTERSHIRE & MIDLANDS.—MONTAGUE TURNOR, F.A.L.P.A., F.V.I., Auctioneer, Estate Agent, Surveyor and Valuer, 27 Belvoir Street, Leicester. (Tel. 65244-5.)

LONDON AND SUBURBS

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ANDREWS, PHILIP & CO., Chartered Surveyors, Lloyds Bank Chambers, 1 Walm Lane, N.W.2. Tel. Willesden 2236/7.

DRIVERS, JONAS & CO., Chartered Surveyors, Land Agents and Auctioneers, 7 Charles II Street, St. James's Square, London, S.W.1. WHitehall, 3911. Also at Southampton.

FAREBROTHER, ELLIS & CO., 29 Fleet Street, E.C.4.

H. C. WILSON & CO., 51 Maida Vale, W.9. Est. 1853. Tel. Cunn. 6111 (4 lines).

WARD SAUNDERS & CO., Auctioneers, Surveyors, Valuers, Estate Agents, 298 Upper Street, London, N.1. Tel. CANonbury 2487/8/9.

CHELSEA.—WHELEN & CO., F.A.I., Markham House, 138a Kings Road, S.W.3. Tel. KNightsbridge 5225/6/7. Also in Sloane Street, S.W.1. Tel. SLOane 1891.

WINCHMORE HILL, ENFIELD, SOUTHGATE, AND NORTH LONDON SUBURBS.—KING & CO., Chartered Surveyors and Valuers, 725 Green Lanes, N.21. LAB. 1137. Head Office, 71 Bishopsgate, E.C.2.

MIDDLESEX

HARROW.—G. J. HERSEY, F.R.I.C.S., F.A.I., Chartered Surveyor and Rating Valuer, 44 College Road, Harrow, Middlesex. And at Amersham, Chesham, and Great Missenden. Tel. Harrow 7484, Amersham 1430/1, Chesham 97, and Great Missenden 2194.

MIDDLESEX.—(*Contd.*)

HOUNSLOW.—ROPER, SON & CHAPMAN, Auctioneers, Surveyors, etc., 162 High Street. Tel. HOU 1184.

POTTERS BAR & DISTRICT.—WHITE, SON & PILL, 58 High Street. Tel. 3888.

NOTTINGHAMSHIRE

NOTTINGHAM.—KINGSTON & PARTNERS, Surveyors, Valuers, Town Planning Consultants and Industrial and Rating Valuers, 14 Chaucer Street. Tel. 45290.

RETFORD.—HENRY SPENCER & SONS, Auctioneers and Valuers, 20 The Square, Retford, Notts. Tel. 531/2. 9 Norfolk Row, Sheffield. Tel. 25206. 91 Bridge Street, Worksop. Tel. 2654.

SURREY

CAMBERLEY (HANTS & BERKS BORDERS).—SADLER & BAKER, Chartered Auctioneers and Estate Agents, 31 High Street. Est. 1880. Tel. 1619.

ESHER.—W. J. BELL & SON, Chartered Surveyors, Auctioneers and Estate Agents, 51 High Street, Esher, Tel. 12. And at 2 Grays Inn Square, W.C.1. Tel. Chancery 5957.

GUILDFORD.—CHAS. OSENTON & CO., High Street. Tel. 62927/8.

OXTED.—PAYNE & CO., Surveyors, Valuers and Auctioneers, Station Road, West, Oxted. Tel. 870/1. And at East Grinstead, Sussex.

SUSSEX

BOGNOR REGIS, CHICHESTER, SELSEY & DISTRICT.—CLIFFORD E. RALFS, F.A.L.P.A., Auctioneer, Estate Agent, Surveyor, Knighton Chambers, Aldwick Road, Bognor Regis. (Tel.: 1750).

BRIGHTON & HOVE.—H. D. S. STILES & CO., Chartered Surveyors, Chartered Auctioneers and Estate Agents, 101 Western Road, Brighton 1. Tel. Hove 35281 (3 lines). And at London.

WEST SUSSEX.—WHITEHEAD & WHITEHEAD, South Street, Chichester (Est. 1899). Tel. 2478—3 lines. And at Bognor Regis, Pulborough & Havant (Hants.).

WARWICKSHIRE

BIRMINGHAM.—J. ALFRED FROGGATT & SON, F.A.I., Chartered Auctioneers, Valuers & Estate Agents, Unity Buildings, 14 Temple Street, Birmingham. Tel. MIDland 6811/2.

YORKSHIRE

BRADFORD.—DAVID WATERHOUSE & NEPHEWS, Chartered Auctioneers and Estate Agents, Valuers, Rating Surveyors, Britannia House, Bridge Street, Bradford 1. Tel. 22622 (3 lines).

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